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THE SYNOD OF ELVIRA

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THE SYNOD OF ELVIRA

AND

CHRISTIAN LIFE IN THE FOURTH CENTURY

A Historical Essay

BY

ALFRED WILLIAM WINTERSLOW DALE, M.A.

Fellow and Lecturer of Trinity Hall, Cambridge.

"Nisi Dominus ædificaverit Domum in vanum laboraverunt qui ædificant eam."

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TO

ROBERT WILLIAM DALE.

"*Patri primitias.*"

INTRODUCTION.

THE Synod of Elvira lies somewhat remote from the paths of ecclesiastical historians. An assembly convened in a corner of the Western World, and occupied, as it might appear, with questions of local and temporary importance, too rapidly sinks into insignificance, dwarfed by the great events of the early part of the fourth century. The current of affairs sweeps us on almost against our will to the troubles which surrounded the accession of Constantine and to the famous Council of Nicæa, which was a new point of departure in the history of the Christian Faith. The city of Elvira for long has been a mere name; its very site is uncertain, matter only of inference and conjecture: and to the world of our own day the Synod to which the city gave its name is hardly more familiar.

Now and then, driven by the stress of controversy, students and reformers have sought in the authority of the Synod a shelter and a refuge; but long periods of neglect and indifference have always succeeded. The Reformers appealed to the Synodical Canons; the historians of the Spanish Church in the seventeenth century explained and illustrated their significance; and in Germany,

about half a century ago, they excited a brief but embittered controversy: but, save indirectly, and in subordination to a wider scheme, the Synod of Elvira has been left without notice.

If the Synod has escaped attention, it has incurred disproportionate disparagement. Its edicts have been assailed by Catholics, jealous for ritual and for leniency in the moral code; and by Protestants, who see in some parts of its legislation evidence of ascetic and superstitious tendencies in an age, on their hypothesis, uncontaminated and uncorrupted. Even those who, either in censure or assent, have been silent, without exception have misapprehended the true significance of the assembly. The number and variety of the Canons, and the intricate moral problems which they raise, have diverted attention from other elements of a more permanent interest. The moral aspects of its policy have engrossed the attention of casuists and historians, but the importance of the Council as the initiation of a new ecclesiastical policy, and as the expression of the moral life of the age, has in the confusion of controversy been obscured.

The fourscore Canons of the Synod stereotype in outline a faithful picture of the Spanish Church as it existed in the early years of the fourth century; and although it is the dark and ignoble elements of thought and action that must inevitably preponderate in a representation of this nature, through the shadow and the shame of penal legislation we catch glimpses of a noble ideal, present then in aspiration and hope. From that which is denounced and con-

demned we may infer what was reverenced and pursued. In the Canons the moral standard survives; in them we see the system of ecclesiastical organization still unconsolidated, but advancing from isolated independence to corporate unity. But, above all, the Synod sets before us the earliest stages of a policy destined to make that century an abiding epoch in the world's history.

The supreme crisis was near at hand, and the millions of the Empire at the time of the Synod were poised

> "Between two worlds—one dead,
> The other waiting to be born."

The antagonism of the Church and the State was losing strength, and gradually passing away, though the reconciliation and alliance of the contending powers were not yet consummated. Here at Elvira we have the great conception of a Catholic Church in its germinal and most rudimentary form. It was only as a corporation that the Christian Church could realize its full strength, and only on that basis that it could oppose the secular power on equal terms, or supply a centre of unity in the social dissolution. A conception of such magnitude as the Council of Nicæa is not the work of impulse nor the creation of an hour; it is the result of protracted labour and matured thought. In Spain, among "a race always eager," as a historian has described them, "to make a sovereign or an empire," and under the leadership of a statesman like Hosius, who was not only "a great man," but also "came

at the right moment,"[1] it was only natural that the policy of the future should, before its application to the necessities of a world-wide empire, be initiated on a humbler scale, within the limits of a nation. It is as prelude and as prophecy of greater things, that the legislation of Elvira challenges recognition; and, in a fuller and deeper sense applying Mendoza's noble panegyric, we may assert of the Acts of this Synod that "they must suffer no loss in troublous times, no destruction through the daring of heretics, nor any neglect through lapse of years."

In this Essay, to which the annual premium was awarded by the Hulsean Trustees in 1881, the Synod of Elvira is discussed in its relation to Christian life during the fourth century. To this end it will be necessary to examine, in some cases at considerable length, the scope and the sense of the canonical decrees. For the clergy assembled at Elvira were men bent on business, and their terse and concise language in dealing with problems, familiar to them but foreign to ourselves, leaves much that is ambiguous and obscure, where interpretation is only possible by a process of comparison with similar decrees of contemporary Councils. Secondly, having thus secured ourselves against errors of this nature, we must proceed to determine the relation of these constituent elements to one another, and attempt to reduce the independent details to organic symmetry. And, lastly, the political significance of the general policy adopted by the Synod must be

[1] "Il ne suffit pas d'être grand homme, il faut venir à propos."—Mignet.

examined, with special reference to the condition and circumstances of the age. This triple process of investigation may, however, be simultaneously pursued.

In working out the details of this subject I have necessarily borrowed largely from previous writers. To the great dissertation of *Mendoza*, and to the *Kirchengeschichte von Spanien* of *Dr. Pius Gams*, I have recurred throughout the Essay; and the commentaries of *Aubespine* and the *Cardinal Saenz d'Aguirre* have supplied a large amount of material for illustration and criticism. These authorities, together with *Dr. Hefele's Conciliengeschichte*, serve rather to introduce than to complete the tale of my debts: other obligations must be severally acknowledged as they occur. But in dealing with a Synod in which Hosius is such a prominent figure, it is impossible to leave without mention one who first impressed on many of us the work and the character of the great Spanish Bishop. Above all other ecclesiastical historians of our day, the late Dean of Westminster possessed the faculty described by Voltaire as "Cet heureux don de plaire," and expressed by Mr. Lowell in still happier phrase. If in one sense he taught us little; in another, we have learned much: his was a power that lay beneath the printed page, and deeper than dry fact or abstruse theory.

I am only too conscious how much both of learning and of skill is required for success in discussing a subject in nature so complex as this, and feel how far short this Essay falls even of that lower

standard of excellence which it sought to attain. Any merit which this first venture in a new field of study may show is to be set down to the credit of the subject; its defects and shortcomings, to the inexperience and incompetency of the author.

TRINITY HALL, CAMBRIDGE,
June 1, 1882.

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II.

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THE SYNOD OF ELVIRA.

CHAPTER I.

THE PLACE, THE TIME, AND THE CONSTITUTION OF THE SYNOD OF ELVIRA.

I.—*The Place.*

§ 1. The city of Elvira lay between two hill ranges, and close to one of the southern tributaries of the river Bætis, from which the province took its name. Situated at a little distance from the great high-roads of Spain, it was not so secluded as to be inaccessible to those whom business or pleasure brought that way. Though retired, it was not without some degree of importance; for it had shared with the other cities of the Peninsula the reward of loyalty to the cause of Vespasian, and had obtained the privileges of a free city,[1] while it also had ecclesiastical distinction as the seat of a bishopric. Pliny gives us but little information on the subject, except as to its inland position. There was another town, similar in name, situated in the

[1] Tacitus, Hist. iii. 53 and 70.

Province of Tarraco, and in the district now known as Narbonne, near the sea and close to Ruscino, the modern Rousillon. This was the first place at which Hannibal encamped after crossing the Alps; and Pliny tells us that, once a great city, it had now dwindled away to a mere shadow of its former self. Its full title was Cauco Illiberis, afterwards Collibre, or Colioure.[2] On the strength of Pliny's evidence, some historians have attempted to draw a rigorous distinction between the two names, and insist that Eliberis (or Iliberis) is the inland town, and Illiberis the one on the seaboard.[3] But Pliny's testimony is not of sufficient weight to warrant us in laying down the law on the point with any rigour; and the distinction is avowedly ignored by the geographers Pomponius Mela and Strabo, in passages which these dogmatists would correct on their own principles, oblivious of the fact that local inscriptions are equally at variance with their theories.[4] In these the forms Illiberritanus and Iliberitanus (ordo) occur twice, and a third variation is found in Iliberris: the Goths, according to their custom, changed the name to Eliberis, as they did Ilerida to Elerda. But the point is so unimportant that it needs no detailed discussion.[5]

§ 2. It is, however, necessary to distinguish with care between the two towns; for human perversity has confused one with the other in determining the

[2] Pliny, N. H., iii. 1, 4. Livy xxi. 24.

[3] Mendoza prefers Illiberris for the name of the Bætic town.

[4] Mendoza, in Mansi, vol. ii. p. 59.

[5] Binius, in Mansi, vol. ii. p. 28, and Gams, vol. i. p. 174.

local situation of the Synod. To the unprejudiced mind it would seem impossible to make out any case for fixing on the Gallic town as the seat of the Synod, and yet the attempt has been made to transplant whatever fame still invests the name of Elvira to a foreign soil. But the difficulties in the way are insurmountable. For in the first place, if, even when Pliny visited the district, the town in Narbonne was but the "shadow of its former self," by the time of Constantius it would have settled down into final and irreparable decay. By the year in which the Synod met, it would be inadequate to entertain so formidable a gathering, even supposing a spot so insignificant to have been selected for the place of meeting. It labours under another disqualification: no bishop's chair was settled there, and this was a characteristic feature of all, or nearly all the cities selected for such deliberative councils. It is true that at the third Council of Toledo bishops from both towns appear to have been present, but the one, Petrus, was Bishop of Abdera, not of Illiberris, as records of the contemporary Council of Hispalis prove.[6] Again, of the nineteen dioceses represented at the Synod, that of Cæsar-Augusta alone was nearer to Narbonne in distance than to Bætic Elvira. And this proximity was more apparent than real. For there were all the dangers and difficulties of the Pyrenees to surmount, and the journey through the passes would require a strong force to secure the travellers against the marauders and brigands of the country, while there were yet no stages of well-

[6] Mendoza, l. c. pp. 61, 62.

appointed post-carriages to lighten the inconveniences of the journey. This fact, used by the Spanish historian for another purpose, will serve us equally well.[7] [Note A.]

All the evidence alleged so far has been of the negative kind; and against the claims of southern Gaul, rather than in direct support of the rights of Bætica. But, perhaps, after all, it is safer to trust to the belief and the tradition of the Spanish Church for centuries, than to devise evidence which defeats its end. Gams, for example, lays undue stress on a single phrase, occurring in one of the Canons of the Council, and suggests that the words "loco peregre navigantes" show that those assembled at the Synod thought of all distant journeys, as by sea, and not by land. The suggestion is certainly ingenious; but when he infers that this is clear proof of the assembly having gathered in the south of Spain,—where the sea would, in almost all cases of importance, be the nearest route,—we cannot but feel that he has overshot the mark. Taken by itself, and apart from other facts, the phrase is comparatively worthless: it may serve indeed as buttress, but not as foundation.[8] But the case is incontestable: that the bishops of Spain would incur unnecessary danger to meet in a ruined town, outside of all the dioceses of Spain, when safety elsewhere was within their reach, is too great an anomaly to be tolerated for a moment.

[7] On the importance of the δημόσιον ὄχημα, cf. De Broglie, vol. i. p. 283.

[8] Elv. XXXVIII. Gams, Kirchengesch. v. Span., i. p. 118, compares "Divino *gubernaculo* comitante" in the Mass of Torquatus.

§ 3. As to the exact position of Elvira, there has been much controversy; some maintaining that it stood on the site of the modern Granada, while their opponents would place the ancient town on the hills about four miles away. Gams, who quotes largely from the travels of the botanist, Wilkomm, tells us that the hills rise in three rocky cones, precipitously from the stream. The range is of chalk, and the highest peak stands more than 2500 feet above the sea level, with a fine view towards Granada; the table-land, on which the old town is supposed to have been built, is extremely arid.

But the evidence on which Mendoza rests his argument is meagre and misleading, and the conclusion at which he arrives seems erroneous. To prove that Elvira stood on the high ground, he alleges traces of an old town discovered on the site, and argues that the hill received its name from the town which stood upon it: an inscription or two and a so-called "Gate of Elvira," still existing at Granada, which he supposes led to the old city, complete his case. It will bear very little examination and criticism. For in a district so thickly populated as Bætica, towns were scattered far and wide; and though a few remains are insufficient to prove the existence even of a settlement upon the table-land, it may well be that a village did at some time or other stand there: the inscriptions are of no value at all, for most of them are found, not on ruins of the plateau, as one would expect, but among the older portions of the neighbouring town.

The name of the hills gives us no more reliable clue, for they would without doubt borrow the title, even if they were at a distance from the eponymous town. Toledo, Guadix, and Baza, have ranges called after them, though not lying in the immediate neighbourhood. Indeed, Wilkomm points out that "some hours' journey eastwards from Granada, there lies an extensive hill-country called the 'Montes de Granada.'" If the name could be transported across a large number of leagues, it might well be adopted at so short a distance from its central situation. Nor does the survival of the old gate go to confirm this hypothesis: it was not so called because it led to a ruined town some little distance away from the houses of a later generation, but because it once led into and out of the old town itself, at the end of the Guadix road. Through it many members of the Synod must have come, and Boabdil, the last king of Granada, passed under its arches on his way to battle against the Christians: for, as we shall presently see, the religious fortunes of the town have been chequered; and Christian and Mohammedan, Goth and Moor, have held rule there by turns.

§ 4. But for the identification of the sites of the two cities we have more than negative evidence, in tradition, record, and history. Individually, perhaps, the details may seem trivial and unimportant; yet the chain of evidence which they produce is of the strongest texture. In Granada the tradition is still current that the "Monte Sacro," in the town itself, is the place where Christianity had its first local foundation; and though such legends in some cases

migrate with time, yet it is not easy to discover any satisfactory ground for the supposition that a hill two leagues away should have transferred its sanctity to another lying within the town itself, without the survival of any contradictory account; and that the hill-ground above the river was the original place of planting no popular report has affirmed. Nor must we overlook the fact that in this same part of the city, which is at once the highest and the oldest quarter, and distinguished from the more modern portions by the title, "Granada la Vieja" [i.e. Old-Granada], inscriptions have survived, bearing the name Illiberritano in characters of an unchallenged authenticity, and decipherable without difficulty. The Gate of Elvira has been already mentioned, but its true significance will be better appreciated if we consider a few facts concerning the interior ecclesiastical organization of the town. In the year 1843 Granada included three-and-twenty parishes, now reduced by nine; of the fourteen parochial churches three stand in a street near the Gate and bearing the same name. Now this street was once the principal thoroughfare in the town, and thus contains a disproportionate number of the churches. Why it should have derived its name from an external source is matter for serious questioning: and if the supposed town on the remoter hills had passed away and faded from the memory of man, it is but reasonable to suppose that in time the associations and the nomenclature of the street would have followed the same law.[9] One other point of con-

[9] Gams, i. p. 176.

nexion between the two places is undeniable,—the inheritance by Granada of some of the personal religious traditions of Elvira. That town had been the seat of St. Cæcilius, and there he had lived and laboured during his lifetime: a parish church named in his honour, still survives; it was built, it is true, after the saint's death, but its proximity to the "Field of the Martyrs," and its own name tend to identify it with a building of a still earlier date. Particular sanctity seems always to have invested it: in the days of Saracen darkness, service there was never suspended; and in virtue of this fidelity, it has obtained the privilege of summoning its worshippers together with the pealing of bells throughout the year, though in Holy Week all other chimes are silent. Elvira was the diocese and the home of Cæcilius: in Granada he still receives peculiar honour. Need we now hesitate to identify the two towns, thus united in position and in religious associations of all kinds?

§ 5. But how, it may be asked, did the new name supplant the old? And under what circumstances was Elvira transformed into Granada? Of course there is a legend of the ordinary kind which the demand for an explanation calls into existence in antiquarian traditions of every class. In this neighbourhood, Illiberris, a lady of note, once kept her granaries, and from the grain-stores the town took its present name of Granada [= granum].[1] But this story is as fictitious as the early myths of the Rape of the Sabines, or of the Roman "Asylum;"

[1] Mendoza, l. c. p. 58.

the "ætiological influence," as Professor Seeley has called the desire to account for any strange and remarkable elements in manner and usage, is responsible for this transparent invention also.[2]

The real explanation of the change must be sought in the political history of the district, and in a genuine investigation of the character of the name. There is no doubt that the earlier and purer form of the word was not Granada, but Carnattah, a form of Phœnician origin. We find the prefix in Car-thago, Car-mona, and Car-tega, with the force of "stronghold or citadel;" the remainder has been explained by different authorities as the name of a god, Natta; as the "settlement of strangers," and as a "hill:" the last explanation seems to suit the circumstances of the case most completely, though as to the exact origin of the "hill-fortress" in question there are two different accounts given by historians. The first of these supposes the contemporary existence of two separate towns, Elvira and Carnattah. In 796 A.D., so we are told, the defeated army of Yusuf-y-Samail fortified themselves here, as they fled from the victorious troop of Abdel-Rhaman. The son of the Emir, who was now Wali of Elvira, fortified a part of the town, which then got the name of "Dar Garnatha," i.e. "the fortified quarter." In 889 A.D. the name had been modified to Granathah, and was ready for still further change. In this quarter the Moors lived apart, forming a separate community, and in fact a second city, which in time

[2] Seeley, Livy i. c. 2, p. 19, Introd.

submerged the other, and gave its new name to the whole town. Such is the story of Achterfelt and Braun,[3] but there is no real ground for assuming the existence of a double-town of Granada-Elvira, and we must set part of the account aside, though the main lines are true. Wilkomm tells us that Illiberris was "nearly the only city in Andalusia which in 711 offered any considerable resistance to the chiefs of the Mohammedans. In retaliation the Moors destroyed it, having corrupted its name to Elvira: until the tenth century, its ruins were uninhabited."[4] This account is not quite accurate, for in the eighth century the fortress of Carnattah was built by the Moors, and there was a Christian population existing side by side with them. The Christians still retained the name Elvira, but there was now in the one city a high town and a low town, the one lying north-west and the other south-east, though they formed one political community. But as the importance of the place as a Mohammedan centre increased, the Christian name was gradually superseded, though it still clung to parts of the town,—the gate, the street, and the quarter—and remains to this day. The exigencies of business, and the various associations of every-day life, gradually led to the adoption of the designation by the Christians too, and Granada, once Carnattah, became the accepted and recognized name among all sections of the population. We may assume then that the

[3] The theory is thus summarized by Gams, i. pp. 174, 175; cf. Bonner Zeitschrift, vol. 82, p. 70.

[4] "Zwei Jahre in Spanien," 2. 36.

Synod was held in our Granada, and possibly in one of the churches still represented by a successor on the same site, along the ancient street closely adjacent to the famous gate.

§ 6. What was the special reason which led to the choice of Elvira as the seat of the Synod cannot be ascertained with any degree of precision. It would have been the natural course to convene the bishops and clergy in a place more central in position or more important in size and dignity, such as Corduba or Seville. But to have met in a city of this kind would have excited the masses of the heathen population to resentment, if not to actual riot; and the members of the Council would have been hampered in their deliberative proceedings by external hostility, even if they had been fortunate enough to escape personal violence. And a commotion of this kind would have been a serious annoyance to the local authorities, whom it was now important to conciliate by all reasonable means, that the full results of the imperial toleration might be secured. Thus the two chief cities of Bætica—for to that populous diocese the Synod was necessarily confined—were eliminated from election. And Acci, as Gams points out, lay at the head of a narrow valley, and was approached by narrow passes; it was also a centre of many of the high roads, and, like Castulo, was therefore unsuitable as a meeting-place for those who desired to assemble without attracting attention from outsiders. The final choice must have been determined by similar considerations: the city selected was to be retired and

yet accessible, quiet yet of sufficient size to accommodate the guests and strangers whom the business brought there; and also the centre of a diocese. The memory of Cæcilius's bishopric may also have influenced them, for on his city the choice fell; and to it the associations of this important assembly will ever cling.[5]

Having identified the place, we must now proceed to fix the approximate date of the Council.

NOTE A.—An examination of the list of the presbyters present at the Synod confirms the argument derived from the attendance in a still more striking way. There are none from Andalusia, and Carthagena is the most remote city represented, while Bætica has a strong preponderance of members as compared even with the nearer part of the province of Tarraco.

II.—*The Time.*

§ 1. THE settlement of this most important question is a task of considerable difficulty; for an unusual amount of preliminary investigation is requisite to determine the exact bearing of some of the synodical canons, and to define with precision the circumstances of the time. So far as the records of the Council go, we are left without positive guidance: for the superscription which informs us that "the acts of the Council were published in the time of Constantius, at the period in which the Council of Nicæa was held," is on several grounds untrustworthy. In the first place, the more ancient manuscripts are

[5] Gams, ii. p. 9.

silent on the point: in the second place, the expression "temporibus" is extremely vague; while the Nicene Council was held under Constantine, and not Constantius. The Spanish era 362, added in some copies, emphasizes the difficulty: for 362 in the Spanish calendar is equivalent to A.D. 324: this system of nomenclature was first used in the fifteenth century, and thus gives a ground of additional suspicion.[6] The Nicene Council assembled in the year A.D. 325, and the statement is clearly a subsequent and unauthorized addition. A resemblance between some of the canons of either Council was observed, and the similarity led to the formation of the theory upon its date. Hosius may have supplied copies of the Acts of Elvira as a model and guide to the assembly at Nicæa; and such a proceeding would account for the fictitious interpolation. The silence of the records is curious; for where the year is not exactly specified, we have, in most cases, the names of the consuls, or some equivalent information, for determining the date. Here we have nothing, and are left to our own resources.

§ 2. To account for an omission so singular, suggestions have been numerous and varied, and all more or less inadequate in substance. Some writers attribute it to the carelessness of the copyist, or of the original compiler, and some to the destructive malice of the Donatists and other heretics.[7] It has also been suggested by those who place the date of the Council at an early point in time, that the

[6] Hefele, i. p. 149.

[7] Mendoza, l. c. p. 90. Cf. August. Brev. Collat. 3. c. 15.

original documents perished in the attack on the sacred records during the persecution of Diocletian and Maximian. Mendoza[8] seems inclined to suppose that policy dictated some measure of secrecy, on the ground that at the time of meeting the edict against illicit, and especially, religious societies, was still in force. In the absence of an authoritative record, the civil authorities would have little information to proceed upon, not knowing whether these sectarian edicts were recent or antiquated. Another view taken by some is that the course was one of principle, not of policy; and that the omission of all secular seasons and authorities was to mark the distinction between the temporal and the spiritual kingdoms, and to avoid connecting the laws of the Christian Church with the names and titles of heathen magistrates. Nor were details of this kind necessary to give even the national law validity: for Constantine's edict that the omission of such particulars made the law informal and of none effect, even Justinian admits to have reference only to personal cases and claims. If the formula could be dispensed with by the secular legislature, the Church would be still more careless of its use: in that society it was enough that the code had been duly sanctioned by the officers and representatives of the Church; how and where were matters of indifference to the contemporary community.

§ 3. The silence and reserve of the official records have, however, led to the wildest confusion: even the sober historians deviate in their calculations of

[8] Mendoza, l. c. p. 70.

the date of the Synod by a quarter of a century; and between the more reckless extremes is a chasm of nearly 500 years. But, broadly speaking, we may rank the different theories in three principal groups, omitting the more extravagant fancies. In the first class will stand those who assign the Synod to a time previous to the Dacian persecution; i. e. to the years 300—303 A.D.; next will follow those who prefer the period subsequent to the persecution and before the Synod of Arles, A.D. 314; and lastly, the section who fix upon a date between that Gallic Synod and the time of the Nicene Council in 325 A.D. Other theorists may be summarily dismissed.

§ 4. Of the extreme views on this subject, those of Morinus and the Magdeburg Centuriators may serve as illustrations; and they may be tested and refuted in much the same way. The latter, on the authority of Arnaldus Pontacus,[9] would refer the Synod to the year 700 A.D.: the former would move in the opposite direction, and fixes on the year 252 A.D. as the true date.[1] But the exponents of the Magdeburg theory do not account for the presence of the names attributed to the Council; while if it assembled at any time at all corresponding to the ordinary opinion, it is clear that the fathers of Elvira must have been dead three centuries and more. In this even Mendoza could see no "crafty lie;"[2] while the supposition still leaves un-

[9] "Teste Arnaldo Pontaco, Episcopo Vasatensi." Mendoza, l. c. p. 65.

[1] De Pœnit. l. ix. c. 19.

[2] "Angli callidiore usi mendacio."

explained the references to the Canons of this Synod which occur in after-years.

Morinus starts from a different standpoint, and asserts that unless the Synod of Elvira was convened as early as the year 252 A.D., it must have been guilty of heresy: for the whole tendency of its legislation is in sympathy with the Novatian principles, on which formal and authoritative condemnation had been passed before the beginning of the fourth century.

But setting this point aside for a moment, let us apply the same test as before, and ask, how Hosius and the other clergy whose names stand on the official roll could have been present as bishops or presbyters, or, in fact, in any capacity, at a time when few, if any of them, were born. The charge of Novatian tendencies is not denied by one of the ecclesiastical historians of Spain; and though the view which will presently be suggested is different from the one adopted by them, there can be no doubt that they are right in their method of reply. No proof that the Council was held in the middle of the third century can be deduced from Novatian sympathies, whether imputed with reason or without. It is no axiom that a Synod held after Novatian's condemnation must have necessarily renounced his opinions and system in every detail: Novatianism is but the expression of permanent forms of human conscience and character.

§ 5. Having dismissed extravagance of this order, we now pass on to consider the three sets of theories already mentioned. It will be convenient to state

the position of each section as a whole, without entering into trivial details of controversy, to the end that, when the historical facts are before us, they may be tested with the utmost brevity: to examine each individual theory would be a task both wearisome and futile.

In the first class are found the names of almost all the great historians of the Spanish councils; and if fame and antiquity could always vindicate their right to supreme authority, controversy would be at an end. But even in ecclesiastical affairs authority must be examined before acquiescence. The adherents of this school, with slight internal differences of opinion, agree in assigning the Council to a date between the beginning of the fourth century and the early part of the year 304 A.D. Most of them would place the limit even earlier; for Binius alone supports the latest date. The Cardinal Saenz d'Aguirre, and Natalis Alexander are in favour of the year 303: Gonzalez Tellez, Tillemont, and Remy Ceillier prefer 300; while Mendoza and Florez incline to a date in the years 300-1. But the basis of the position in every case is almost identical.[3] They argue that the subject-matter of the synodical Canons, and all the disciplinary system entailed by desertion of Christ's cause, point either to a coming

[3] Aguirre, Concilia Hispaniæ, vol. ii. p. 1 foll., and i. 240. Natalis Alexander, Hist. Eccles. Sæc. iii. Diss. 21. Art. i. vol. vi. p. 660—674 [Ed. Paris. 1679]. Tillemont, Hosius, vii. pp. 300—321; vii. 711—715. Remy Ceillier, "Auteurs Sacrés," iii. 657. Mendoza, Mansi, Conc. vol. ii. pp. 65—73. Florez, xii. 180—191; and Gonzalez Tellez [in Gams, vol. ii. p. 5].

or to a contemporary persecution. Binius, especially, recalls the tradition that the Council was held during the time of trial, and thus accounts for its tone and temper.

In the penal code he sees the reply of the Church to the attacks of her opponents: if the assailants vex her members, new counter-pressure of tremendous and appalling force shall be applied to confirm the fidelity of the strong, and to steady the allegiance of the wavering. The argument serves the others also in much the same way: they see here measures of precaution, and not of retaliation and defence: this is the sole point of difference between the two sections of the party. All agree that penitence is allowed, and communion refused to the offenders, for the godly terror of the rest. "Pœnitentia lapsis conceditur, communio negatur ad terrendos ceteros."[4] Most of them, again, in this argument drawn from the severity with which delinquents, and especially those guilty of idolatry, are treated, lay special stress upon a passage in a letter of Innocent I. to Exuperius, Bishop of Toulouse, in which the subject is explicitly mentioned.[5] It will be necessary to recur to this letter in giving an account of the discipline of the Church in the fourth century; but it is sufficient for the immediate purpose to say, that Innocent there contrasts the severity of Elvira in this matter with the comparative lenity of Ancyra and Nicæa: the

[4] Mansi, Conc. l. c. pp. 27—29, "Durante persecutione concilium habitum est."

[5] Innocentius ad Exuperium, Ep. vi. § 6.

harsher rule prevailed in the troublous times of the Church, and was relaxed when God restored peace to His people. This allusion serves to fix the date of the Synod in question about the time of the Dacian persecution. Peace first returned with the accession of Constantius to the supreme power, in the spring of 305 A.D. Constantius had always shown favour to the Christians; and in Gaul, where he was stationed, they suffered little, though he was bound to execute the imperial mandate with some degree of stringency, to avoid accusation and vengeance.

The last argument of any importance adduced in support of this theory is of a personal character, and rests upon the incidents in the later life of Valerius, bishop of Saragossa. His name occurs in the list of those present at the Synod, and it may be assumed with some reason that two bishops of the same name did not follow one another in the same diocese. Now the bishop, with his deacon Vincentius—whose fame has overshadowed his master's—were among the victims of the persecution carried on in that part of Spain by the pro-prætor, Dacian, in the year 304. Vincentius was put to death, and the bishop banished from his diocese. Here the accounts diverge; some relating his speedy martyrdom, and others giving details of an exile prolonged beyond the year 305; so that on either hypothesis, he cannot well have been present at a council held at Elvira in that year.

This supposition, if deserving of confidence, would again set back the date of the Council to a time

previous to the outbreak of the persecution in 304. Mendoza, Tillemont, and Remy Ceillier, all insist that at this period Valerius was no longer a bishop, but a martyr. If he was present at the Synod, the meeting must have taken place at the earlier date.

Aguirre's contention is most ingenious, but proves hardly tenable on close examination. He asserts that the Synod was held in May, 303. The edict of persecution was pronounced at Rome on Good Friday, March 21, and the news was carried to Spain with unusual speed. There a council was at once summoned, before the arrangements for the campaign had been completed; and before the persecution had actually broken out, the bishops of the Spanish provinces assembled to adopt protective measures in concert. But it must on the other hand be noticed, that in no other part of the Empire was a similar council held; and what cause is there for supposing Spain to have possessed the monopoly of early news, and of prompt and energetic action? Again, the policy, till it was actually adopted, was unknown to all; unknown even at the Royal palace of Nicomedia; and there seemed little reason, after forty years of peace, eighteen of them having been passed under the rule of Diocletian himself, to anticipate so sudden and so fierce an outbreak. Lastly, to assemble under such circumstances would have been difficult and dangerous: the bishops of Spain could have been arrested in a mass by the hostile authorities,—netted like a shoal of unwary fish, without a chance

of dispersion or escape.[6] The policy would have been as foolish as the account is incredible.

§ 6. Among those who assign the Council to a period either immediately after the persecution or separated from it by some few years, but, at the latest, before the Synod of Arles, held in the year 314 A.D., the names of Archbishop Hefele and Dr. Gams are the most prominent; and in this important matter the learned historian of the councils and the distinguished student of Spanish antiquity are in substantial agreement; though the one insists upon the year 306, while the other is content to leave some element of vagueness, and to attribute the Council to some date in the years 305-6. Mansi, on the other hand, prefers 309 A.D., while Harduin would even defer it four years later.[7] They all appeal to the evidence of a recent period of persecution to be found in the Canons of the Council; and the two modern historians, especially, are not disposed to admit any considerable interval between the outbreak of the disorder in the church and the attempt to check and suppress it. Harduin, however, points to the six canons adopted from Elvira by the Synod of Arles,[8] and argues that their resemblance proves contiguity in time. But he forgets that if the records were preserved, ten years

[6] Cf. Gams, vol. ii. p. 7. Aguirre, vol. ii. pp. 9—15.

[7] Hefele, i. pp. 149—154. Gams, ii. pp. 4—7. Mansi, l. c. p. 22. Harduin, Mansi, ii. p. 1, note 2.

[8] Arles IV. V. = Elvira LXII. A. VI. = E. XXXIX. A. IX. = E. XXV. A. XI. = E. XV. A. XII. = E. XX. A. XVI. = E. LIII.

or more would not affect the adoption of the decrees of one synod by another; and also that at Sardica, very many years after both these Councils, their measures were used in a precisely similar way. Mansi contends for the year 309. In that year, he argues, the Ides of March fell on a Sunday, the day of the week on which it was the custom to open councils in the fourth century, while we also have the definite statement that this was the case at Elvira. The argument is inconclusive: for each link in the chain gives way under test.[9]

The remaining evidence in support of the earlier date rests upon the life and work of Hosius of Cordova and Valerius of Saragossa. It is alleged that our knowledge of the history of Hosius prevents us from supposing that he can have been in Spain at a time subsequent to the Synod of Arles; while Valerius's life must have come to a close presumably before that date. If then they were present at the Synod, to this period we are unavoidably restricted.

§ 7. Lastly, we come to the theory of Baluze, according to which the Synod was held in the year 324 A.D., or at least "much later than is usually supposed."[1] He rejects the opinion that the assembly gathered during a time of persecution,

[9] Hefele, i. p. 152, replies: (i.) Nicæa (V.) prescribes no definite day, but only a season; (ii.) Apost. Canons say, "fourth week after Pentecost, and twelfth day of the month Hyperberetaios," [36]. (iii.) Council of Antioch (341 A.D.) does not prescribe Sunday. Cf. Mansi, l. c. p. 22.

[1] Mansi, l. c. pp. 2—4, note to p. 1.

and proceeds to develope his theory in the following manner. He points to the high place which Hosius takes in the list of those present—far before Valerius, in particular; and argues that at the beginning of the century the claims of Hosius to distinction were inadequate to warrant him in accepting so great an honour as the second place among the fathers. He next quotes Hosius's own statement at the Council of Sardica (347 A.D.) in the fourteenth Canon, where he says: "I remember, in the former council our brethren resolved that if any layman resided in a town for three Lord's days, that is, three weeks, and did not attend divine service, he should be deprived of communion." This is clearly a reference to the twenty-first Canon of Elvira; and Nicæa at the time is the latter, and Elvira "the former" Council. Baluze, then, on the strength of a manuscript found in a monastery at Cordeia, proceeds to argue that the Council of Elvira was subsequent to those of Ancyra and Neocæsarea, and that Hosius brought back from these Eastern synods the measures there adopted, and introduced them into Spain, now occupied in dealing with the same questions—"the punishment and reconciliation of the fallen, and other matters concerned with that discipline." But the evidence is weak as well as obscure, while the arguments which he alleges to prove that decrees about apostasy do not necessarily involve a contemporary persecution, or even a recent one, betray a consciousness of the insecurity of his position. It is true that similar decrees were repeated in later councils, at a time when forces of

this nature had ceased to operate; but the fact which cannot be explained away is, that in the measures of this Synod a state of things such as only suffering and desertion could bring about is presupposed, and wrought into the very substance of the most important Canons; while in the Synods of Valentia and of Arles[2] these elements are but an insignificant episode. We shall be justified then in rejecting any theory which separates the Synod by such a gulf from the times of trial. There would be apostates still surviving twenty years after Dacian's fury had ceased; but by this time, and long before, their grades and respective penalties would have been determined by the unsystematic judgment of individual bishops: the offenders would not have been kept in a state of suspense, as Baluze would have us believe, till now. Most would have soon regained a place of some kind within the Church, and legislation so long deferred would have been as harmless thunder above the heads of those whose bodies now rested in their graves, their souls having passed to a more august tribunal; among the survivors the tardy sentence would have produced disorder as wide and deep as that which Innocent sought to avoid by inaction a century afterwards.[3]

§ 8. It is again totally impossible that the Synod can have occurred after the Council of Nicæa; for the absence of allusion to those Nicene decrees which deal with some of the problems discussed at Elvira, would, on that hypothesis, be inexplicable.

[2] Valentia, A.D. 374. Arles II. in fifth cent.

[3] Innocent, Ep. iii. § 7.

Besides, as Mendoza points out, we should then expect corresponding reference to the heresies of Arius, the impurities of Eustachius,[4] and to the other heresies which had at that time arisen. And, finally, Isidorus's statement that it was in the time of Constantine that synodical canons originated, is only true of, in fact only has reference to, general councils of the church: and in the following clause the distinction is explicitly recognized.[5]

§ 9. Such in brief are the contending views of historians. We must now make an attempt to combine the evidence into a logical and coherent narrative, and educe order from the mass of confused and conflicting detail. We have already seen that all historians are substantially agreed in placing the Synod of Elvira in close relation with the persecution of the years 303—305 A.D., but that they disagree in determining its exact relation in time. Notwithstanding the industry and conscientious care devoted by these writers to the study of the lives and the times of the leaders of the Christian Church, they have almost ignored an entire and most valuable class of evidence; and while they have lavished ingenuity and patience upon minute study of the dates and references occurring in official documents, they have passed over with comparative neglect the internal evidence supplied by the subject-matter of the documents themselves, though their testimony is in many cases both clear and decisive.

[4] "Sordibus Eustachii," Mendoza, l. c. p. 70.

[5] Isidorus, Etym. vi. 15.

It must at the outset be clearly understood that the ancient councils of the Church were practical in aim and in action, and that they legislated upon difficulties which had actually arisen, evils of the hour, or dangers of the immediate future. It is this fact that makes their proceedings such "faithful and accurate pictures of the faith, the ethics, the worship, and the discipline of the Church, in reference to the ecclesiastical and religious conditions of their age."[6] From the remedies prescribed, we can infer the disease of the day: synodical canons are so far the individual prescription, and not yet the physician's general text-book.

§ 10. From this standpoint let us see in what direction the evidence afforded by the Canons of the Synod tends, with reference to a contemporaneous or a coming persecution. In times when the fidelity of the Church was exposed to the severest strain, or when it was anticipating the recurrence of the sufferings which it had experienced under the Emperors Decius and Valerian—even granting in this case the possibility of forecasting the blow before it actually fell—there is a sense of incongruity in discovering a Synod, assembled for the transaction of grave business, occupied in such trivialities as the prohibition of wagers in games of chance, and in recommendations about the signatures of ladies' letters.[7] Even the restrictions set on marriage within prohibited degrees of affinity, wise and prudent as they are, seem hardly less foreign to the graver issues at stake in times of difficulty and

[6] Tubingen Th. Qu. 1821, p. 4. [7] Elv. LXXIX. LXXXI.

trial.[8] This will apply in a still more marked degree to the provision made for the punishment of parents who break contracted espousals,[9] and to the decree against associating or eating with Jews.[1] If the Synod came together when the messengers of the Emperor had delivered up their despatches to the provincial authorities, or when massacre, exile, and torture had already been inaugurated, and the passion of the heathen populace inflamed, then cares and anxieties of this kind would be a strange parallel to the heedlessness of a former age, when the waters of the Flood burst forth upon a generation absorbed in eating and drinking, in marrying and giving in marriage. And though the guilt of the ancient world would not be repeated by the Fathers of Elvira, a similar apathy to the coming or to the present storm, would be absolutely inexplicable.

§ 11. There are other provisions which tend to disprove any serious immediate peril to the Church and to individual Christians. That they are not prevented from using the buildings erected for worship is clear from the Canon prohibiting paintings upon the walls of the church, as well as from the statute requiring regular attendance at public worship.[2] They were also unmolested in their rites of burial, and in the ceremonies customary after the death of illustrious saints; and women are forbidden to keep their vigils in the cemeteries for the avoidance of immorality and not of danger.[3] Nor in a time of persecution would it be a real necessity to prohibit

[8] Elv. LXI. LVI. [9] Elv. LIV. [1] Elv. L.
[2] Elv. XXI. XXXVI. [3] Elv. XXXIV. XXXV.

marriages with heathen or with Jews: there would not be any strong desire amongst unbelievers to incur the personal peril which an alliance with an adherent of the outlawed faith would inevitably involve; and, of all people, a heathen priest would be the last to degrade himself and his office by such a union.[4] When peace was restored, and the Christian faith was not only tolerated but avowedly favoured by the ruler of the State, then, and then only, would dangers of this order rise to any magnitude; nor would a Christian man, except in such times of quiet, be set upon the level of other citizens, and compelled to bear the common burden of municipal office.[5] It was a hardship which all resented; but where a Christian was in the case, other means would be devised by his enemies, so that the expense might be his, and the power and the honour their own. Popular opinion, and even legal authority would support them in despoiling and plundering the despised believer.

To such a man land would bring no such cares and responsibilities as those for which the fathers of Elvira legislated. His crops would need no blessing from Jew or Christian, and his heathen tenants would await the help of no league to avoid payment of their rents in whole or in part.[6] Slaves would be few if it were known that the owner stood in peril of the law; and the mistress would be in no danger of beating to death a servant whose charms eclipsed her own; while masters, so far from attempting to keep their slaves from idol-

[4] Elv. XVI. XVII. [5] Elv. LVI. [6] Elv. XLIV. XLIX.

worship, would be but too thankful if they themselves escaped without an information being laid against them by the treachery or covetousness of one of their household.[7] Every one of these details goes to prove that the Council was not held while persecution was anticipated, or in progress; but they are all consistent with the hypothesis that the day of trial was past, leaving no grave cause for fear behind it.

§ 12. Abundant illustration of this theory is to be found in those Canons which point to a denial of the faith, consisting not in any disgraceful or immoral act, or even in actual participation in idolatrous rites, but in trifling concessions to outward conformity, dictated by fear of public opinion. From causes such as this, a Christian woman might be induced to lend her robes of the rich Spanish wool, or the scarves which Tyrian merchants had brought across the inland sea, to adorn the procession of heathen gods through the city, or the spectacles of the amphitheatre;[8] or a convert from heathenism might present himself once more at an idolatrous sacrifice, with the crown worn by the priestly attendants upon his head, resuming for an hour the faith and the rank he had once abandoned. In the same way a timorous believer might go up with his suspicious neighbours to the Capitol, to look on at a sacrifice which his soul abhorred, paying this price for domestic peace;[9] while others of his brethren might attain the same end by absenting themselves from the public meetings of the Church for worship, at which their attendance would be noticed, exposing

[7] Elv. V. XLI. [8] Elv. LVII. [9] Elv. LIX.

them to the resentment of the mob, though secure from the law.[1]

§ 13. These are but examples and illustrations which might be indefinitely multiplied; but it is sufficient for our purpose to notice that in the code adopted at Elvira there are shades and degrees of guilt discriminated with a care quite impossible for men legislating by anticipation. Very different are the spirit of men defending themselves for the very life and the policy of those who would prevent a repetition of the struggle, or alleviate the calamities entailed by the past conflict. In the one case nice discrimination is out of the question: "whatsoever is not of faith is sin," and the penalty must be stern and strong: it is only afterwards that "compassion" can "step in."

This will give us a valid explanation of the wise policy pursued by the Synod with regard to any sudden and violent attack upon the objects of heathen worship. The prejudices and passions of the mob were not to be needlessly irritated and excited. A master was to prevent, to the best of his power, his slaves from polluting his house with the presence of their idols; but if violence was to be anticipated from them in their resentment, he was to obey the dictates of prudence, and be content with "keeping himself pure."[2] On the same principle, the Church was not to acknowledge as martyrs those who destroyed heathen idols without provocation, and were slain in the act, escaping themselves by death from the more terrible vengeance in which they would involve their fellow-

[1] Elv. XLV. XLVI. [2] Elv. XLI.

believers.[3] We may trace the effects of the same wise policy in the choice of the place of assembly, where popular feeling would be less quick and sensitive to the apparent parade and display of those who had till so lately been suppressed not only collectively but individually by statute. This action would have had more of cowardice than of caution in it, had the Synod of Elvira been held before the Church was once more in a position of security. It would have quenched the fires of heroism, and have dulled the generosity and the brilliance of faith. [Note A.]

§ 14. So far our attention has been confined to the internal evidence afforded by the synodical Canons; but we may now pass in brief review the events which led up to the accession of Constantine to the Imperial throne. It is well known how Diocletian, after his early experience of power, finding that he could not sustain alone the whole weight of government, selected Maximian as his colleague in the year 286, giving him the title of "Augustus," and the care of the Western Empire. But as the invasions of the barbarians in the East and in the West menaced still greater dangers, and the insecurity of the provinces required that the new experiment should be carried out on an extended scale, Galerius and Constantius Chlorus were associated with the two existing emperors, assuming the title of "Cæsar," and holding a position of comparative subordination. But though inferior in power, Galerius, aided by Maximian, exercised influence of the most lamentable kind; striving assiduously and relentlessly to induce the Emperor Diocletian to

[3] Elv. LXI.

admit a general persecution of his Christian subjects. For some time these efforts seemed futile but at last the Emperor, moved in part by a superstition which daily developed fresh refinements of cruelty, consented to follow a course which Galerius had already to the extent of his own resources initiated. Beginning with a command affecting his army only, he advanced to general edicts against the Christian community as a whole; and on Feb. 23 or 24, 303 A.D., he issued a proclamation by which the Christians were deprived of all rank and honour, and of all exemption from torture and death at the same time; while their foes, on the other hand, were encouraged to bring any charge or complaint against men who were not permitted to plead in their own defence, and to whom freedom of appeal was officially refused. Their churches were to be razed, their goods confiscated, and their sacred books burned in the fire. A second edict followed, ordering the arrest of all church officers; and this again led to a third, restoring freedom to those who consented to sacrifice at the altar, but condemning the recusants to imprisonment as prolonged as their obstinacy. As time advanced, the persecution grew in ferocity and in extent; but in Spain the personal influence of Constantius Chlorus succeeded in mitigating for a while the horrors which prevailed elsewhere under the rule of less humane governors. [Note B.] How far his power was effective we need not discuss; but Eusebius at any rate explicitly declares, that in the campaign against the Christians Constantius took no part; and that he protected the believers

under his rule, shielding them from danger and annoyance, allowing no church building to be destroyed, nor any evil to come upon the faithful.[4]

§ 15. But the churches of Spain were not destined to escape altogether, for in the summer of 304 a new edict of persecution, "written with a pen steeped in blood," was issued; and about the same time Dacian came to Spain as *Præses*—a general title of provincial governors, whether proconsuls, or "legati Cæsaris," or even mere senators. He was a man of a ferocious spirit, and was probably commissioned by Maximian with the special purpose of crushing the Christian faith in Spain. He prosecuted his mission with a relentless activity, working his way from Gaul to Gerona, and on to Barcelona, Tarraco, and Saragossa, leaving behind him bloody evidence of his visit. Many other places also witnessed his cruelty, but into the exact extent of his operations it is unnecessary to enter, or to define precisely the nature of his power. This much is clear, that he impressed the whole Church of Spain with dismay, and terrified many into surrendering the faith for which they feared to die. What would have been the issue had the struggle been prolonged, cannot be decided; for after less than twelve months of this energetic persecution Dacian's activity suddenly subsided, when, on May 1, 305, Diocletian and

[4] Cf. Eusebius, De Mart. Pal. 13, and Hist. Eccl. viii. 13. Tillemont, Mem. Eccl. v. 56. Gams, l. c. vol. i. pp. 296—298. Ferreras, Histoires d'Espagne, vol. i. pp. 300—301. Mason, Diocletian, pp. 142—153.

Maximian abdicated, to be succeeded by Constantius and Galerius. There is no evidence to show whether he resigned his post, or whether the well-known favour with which the new emperor regarded the Christians induced Dacian to retire from the prominent position he had attained by his vigorous cruelty to a position of less mark, and to devote himself to the routine duties of provincial administration. Whatever the case may be, he is withdrawn from the scene, and with the accession of Constantius the persecution in the West comes to an abrupt termination.

The East was less fortunate, as Galerius exercised supreme power there till 311, when he was struck down by loathsome and horrible disease. Maximin, his successor, proved a foe no less inveterate, and continued the same hostile policy towards the Christians. But in Spain the prisons are opened, and the exiles are free to return to their homes by the Midsummer of 305 A.D. [Note C.] Among their number Hosius and Valerius, the Bishops of Cordova and Saragossa, would be released; the one from his cell, the other from banishment beyond the limits of his diocese. Both were present at the Synod of Elvira, and if the Council assembled in the spring of 306, they would have had time to recover from the effects of their sufferings, to visit their dioceses, and by personal inspection to decide on the measures requisite to restore order in the "confusion worse than death."[5]

§ 16. The two men thus associated stand to-

[5] Gams, vol. i. 298—300; vol. ii. pp. 1—4. Ferreras, l. c. p. 309.

gether in strange contrast. Both were Christian bishops; both had confessed the name of Christ in time of persecution, and had suffered for their faith; but in character and genius they were absolutely dissimilar. The one was a great leader of men, and born to command; the other was timid, retiring, unsuited for severe responsibility or for official prominence. Though from his position in the Church Valerius would be one of the first to suffer on the arrival of Dacian in Saragossa, it was on his deacon Vincentius that the rage of the persecutor chiefly spent itself; for to him the bishop entrusted the real guidance of the diocese, and the younger man was the stay and support of the Church as of its nominal leader. Prudentius gives us a vivid and detailed account of his cruel sufferings, and of his torture and death at Valencia, to which city both bishop and deacon had been dragged, and depicts with consummate art his calmness and courage before the governor and his officials; but of the bishop, except in a single line, there is nothing related. It may fairly be supposed then that he did not share the fate of his deacon; and with this view early tradition is in general agreement, recording that while Vincentius was put to death, Valerius was merely banished, and in all probability, only from his diocese. It is said that he was not accustomed to public utterance, and that on being brought with his friend before the Roman official, he left it to the latter to reply to the questions of the tyrant. His silence was probably due to a stammering tongue, but it deluded Dacian into

the belief that he was inclined to give way under the test of violence, and on this supposition exile seemed to him sufficient punishment. It has been reported that during his banishment Valerius was not suffered to enter any place containing more than twenty houses, and that he therefore took up his abode in a garden not far from Valentia; but this legend seems to be a corrupt version of the facts of his later history, when, after his restoration, he had established himself at Enetum, a place in the country north-east of Saragossa; where he died about the year 315. In the spring of 306, then, he might well have been present at Elvira; had the Synod been held before the persecution, Vincentius must have come with him.[6]

§ 17. But the later generations in Spain were not content to accept the single martyrdom; and although the Christian poet would never have ignored a subject so inspiring as the undivided death of these two saints for the sake of the Gospel and the Church, they insist that in 305 "Valerius was no longer a bishop but a martyr." In this, Tillemont and Remy Ceillier are agreed; while Mendoza, Florez, and others, suppose that he died in exile, and so was not a martyr in the strict sense of the word, though the circumstances of his death seemed to raise him above the ordinary level of confessors. Their evidence is slight in amount and in weight. Garsias Loaisa tells us that he was in the list of

[6] Prudentius, Περὶ Στεφ. iv. 77—108; v. passim. Mendoza, l. c. p. 69. Tillemont, Mem. Eccl. v. 215—231. Ceillier, vol. iii. p. 657. Ferreras, l. c. pp. 315, 316.

saints, and that his body was honoured with peculiar reverence at Strada, near Ribagorca, in comparatively recent times; while others substantiate their assertion by the well-known stanza from Prudentius's hymn on the Eighteen Martyrs :—

> Inde, Vincenti, tua palma nata est:
> Clerus heic tantum peperit triumphum:
> Heic sacerdotum domus infulata
> Valeriorum.[7]

Gams meets the theory with a crushing reply. He most appositely points to the dedication of Prudentius's hymns to a Bishop Valerius of Saragossa, and asks how it is possible to conceive that if a predecessor of the same name in the same diocese had suffered martyrdom, or even death in exile, the poet could have omitted all reference to the fact; especially when he devotes nearly six hundred lines to the story of Vincentius. His silence is, on this supposition, the more incomprehensible, because Valerius would have been the only Spanish bishop who lost his life, directly or indirectly, in this persecution: and why should he suffer such unmerited neglect, when others receive their due of honour both as martyrs and as confessors? Further, at Saragossa, his own city, in the year 1572, his claims to this distinction were unknown: for in the ancient breviary there is an account of the arrest of bishop and deacon; of their removal to Valentia; of Valerius's residence at Enetum; and his death about eleven years after the close of the persecution.

[7] Mansi, ii. p. 29. Περὶ Στεφ. iv. 77—80.

The martyr Valerius is a purely apocryphal person; and there is no ground for assuming a third Valerius of Saragossa as the bishop of that name present at the Synod. In the lines of Prudentius quoted above, the "domus infulata Valeriorum" is only the family from which the two bishops came, and does not authorize any arbitrary increase of their number on insufficient evidence. So far then as Valerius is concerned, there is no objection to assigning the Synod at which he was present to the year 306. He would then be venerable for his age and his comparative sufferings: but in his own heart would probably look back not without regret and a wistful sadness on the great opportunity which he had let pass, of serving his faith and his people by an act of brilliant self-sacrifice: and without his assistant to guide and support him, his share in the deliberations of the Synod would be insignificant.[8]

§ 18. In the case of Valerius, we have been occupied in proving that there is no cause to supose it impossible for him to have attended a Synod held in 306, soon after the close of the Diocletian persecution: in the case of Hosius, it will appear that, the events of his career prove, beyond dispute, that at this time only was he free to attend and to guide its deliberations. Hosius is one of the most imposing figures in the history of the fourth century, and throughout his life exercised immense influence over the Church and over the secular authorities:

[8] Gams, vol. ii. pp. 4—7. Tillemont, Mem. Eccl. vol. vii. p. 315 foll.

he was at once a great statesman and a great bishop. At the imperial court and in the Church he seemed to hold an equal supremacy.

A full account of his career would be foreign to the subject of our discussion, and would lead us into a multitude of intricate detail; allusion must be summary and brief, and confined to those points which are really germane to the argument.

He was born in or about the year 256, probably at Cordova, illustrious as the birthplace of Lucan and Seneca, and famous also as a seat of learning. As to the exact date there is some difference of opinion; but Isodorus tells us that he was 101 years of age at his death in 357.[9] As he was in the episcopate for more than sixty years, he must have been promoted to that rank when he had reached the age of forty, and in the latter half of the last decade of the third century. Cordova, the seat of his diocese, was an important town, both in size and as the seat of the Roman praetor, who directed the administration from that centre, with the honorary title of Pro-Consul.[1] Thus from the outset the young bishop must have wielded power and influence extending over a wide range; and had not his life outlasted the ordinary term of human existence, its brilliant success and spotless reputation would have been the marvel of all succeeding ages. But at the very close, when with the old Evander he might have said,—

Nam mihi parta quies omnisque in limine portus,

[9] Isid. De Vir. Ill. c. v.

[1] Gams, vol. ii. p. 2.

the catastrophe came to bereave him not only of "a happy death," but of the harvest of honour garnered during a long life, and to prove by one more melancholy example that "none is holy or good, save One." In ourselves, looking back through the dim centuries which lie between, and with the more merciful standard of a less severe morality, the fall of the old man in his hundreth year, under pain and violence, alone and unbefriended, awakens pity, and not indignation: but to those who had lavished on their leader the devotion, and almost the worship, of reverent hearts, the fall must have come with a monstrous horror; and his surrender to the triumphant Arians must have filled the Church with shame and despair. For to them, his refusal to sign the condemnation of Athanasius would appear a trivial matter compared with his reception into communion of the heretics Ursacius and Valens. If he had been true to his friend, he had been a traitor to his God. On the latter part of his life there hangs a thick darkness, and it is impossible to discern what took place in those months: we catch faint glimpses of troubles in the diocese to which he had returned, and of a disloyal and rebellious clergy. But, whatever the troubles of the outside world, the old man's heart must have been full of a bitter sorrow, even if the peace of old days returned to him, with a new spirit of humility unknown in the days of his strength and glory. And in the twilight hours of life, when it was toward evening and the day far spent, he may have found solace and support in the vision of that Presence which makes the very

darkness dear, though for him life would be a shadow to the end,—

"Never glad confident morning again."

§ 19. But with his declining age we are not concerned. Hosius comes before us in his days of hope and strength. From his noble letter to Constantius, written in extreme old age, but before the confinement and the cruelty of Sirmich had broken his spirit, we know that he suffered in the Spanish persecution. "I was first a confessor at the outset," he says, "when the persecution took place under your grandfather Maximian: and if you too persecute me, I am ready now also to bear anything whatsoever, rather than shed innocent blood or betray the truth."[2] His precise offence is not on record, but it probably consisted in the refusal to sacrifice, or to surrender the sacred books. By his example he must have done much to influence others, for Cordova stands second to Saragossa alone in the number of its martyrs.[3] When the trouble ceased, he would have returned to his diocese for a time, and occupied himself in its cares.

§ 20. But he cannot have spent many years there; for a letter of Constantine, who had succeeded to supreme power on the death of his father Constantius, in July, 307, is extant, in which he informs Cæcilian, the Bishop of Carthage, that the governor of the African province had been directed

[2] Athan. Hist. Arian. ad Mon. c. xliv. Migne, Patrologia, vol. xxv. p. 743. Ceillier, vol. iv. c. xiv.

[3] Gams, ii. p. 3.

to supply sums of money for defraying church expenses, and names as the administrator of his bounty, Hosius, who accompanies the despatches.[4] Tillemont states that Hosius had joined the emperor's court two years before; and it is reasonable to suppose the existence of some degree of personal intimacy between Constantine and a bishop charged with a mission so delicate and novel, and of such exceptional importance. We have good evidence that Hosius was still in the emperor's company a year or two later; for when the Donatists, dissatisfied with the adverse decision of the Council of Arles, in 314 A.D., appealed to Constantine, after having first been referred to Miltiades and a Roman synod, we find that the verdict given by the emperor in 316 was attributed to the influence of Hosius. He was indeed groundlessly suspected of having been moved to severity by the instigation of his Spanish adviser and friend, though, as Augustine says, it is much more reasonable and charitable to suppose that Hosius's influence was exerted on the side of leniency and mercy in the punishment of offences so grave.[5] The justice or injustice of the allegation is immaterial: the charge makes it evident that at this time Hosius was presumably in attendance on the emperor, and of his private council. That such was his permanent function is suggested by the fact that in 323, after the defeat of Licinius, Constantine sends him from his presence to Alexandria, there to effect a settle-

[4] Mendoza, l. c. p. 68. Cf. Nicephorus, Hist. Eccl. vii. 42.

[5] Augustine, c. Parmen. i. 8. Migne, Patrolog. vol. xliii. p. 43.

ment of the great Arian strife. The business was protracted, and a final decision was only reached after a council had been convened for deliberation. Then, having discharged his mission, he returns to the emperor, to disabuse his mind of any Arian predilection he may harbour; and in the next year he starts for the great Council of Nicæa, in 325.[6] [Note D.]

§ 21. Thus between the years 311 and 326 Hosius would seem to have been so deeply absorbed in business abroad, that it is hard to suppose that he had an interval of leisure during that period in which he might have organized and attended the deliberations of the Synod of Elvira. And how essential his advice and leadership were in undertakings of this kind, we may see from the eulogy of Athanasius in the Apology:[7] "Now about the great, the revered Hosius, confessedly holy in fact as in name, it were superfluous for me to speak. . . . . For what synod hath he not guided and led? By his sound argument hath he not convinced all men? What church hath not the noblest memorials of his presidency?" Then the great Alexandrian proceeds to enumerate the attractive qualities in Hosius, which won for him affection as well as authority; and with a touch of deepest pathos, remembering the days when Hosius had cheered him in his despair and shielded him in danger, he adds: "And who went to him sorrowing, and came not away in joy?"

[6] Soc. Eccl. Hist. i. 7. Euseb. Vita Const. ii. 63. Mendoza, l. c. p. 66 foll.

[7] Apol. pro fugâ suâ, c. v. Migne, Patrolog. vol. xxv. p. 650.

In the words "what synod hath he not directed?" Athanasius's thoughts must have specially recurred to the Councils of Nicæa [325] and Sardica [341].[8] Over the latter Hosius had presided, and at Nicæa he occupied the second seat. Athanasius had been present at both, and could not fail to recollect the four Canons which the earlier Council had borrowed from Elvira, at Hosius's instigation; while at Sardica, with the freedom of personal reminiscence accorded to the aged, and in which so much of deep wisdom is often concealed, Hosius, in urging the assembly to adopt the twentieth Canon of the Council of Elvira, with another derived from the same source of authority, had related the experience of the Spanish Synod.[9] He was the personal link between the three councils, and his "Quorum pars magna fui" would be of immense weight in the scale of argument.

§ 22. In brief summary, then, the Synod of Elvira must be assigned to the early part of the year 306, when Hosius could have been present, and when there is no reason to suppose that Valerius must have been absent. The external evidence it affords makes strongly in favour of the theory which places it after the period of persecution, and not before. The Synod was convened not merely

[8] Aguirre, Conc. Hisp. vol. ii. p. 81, points to the "placet" of Elv. I., and to that of Sardica II., as a trivial instance of the way in which Hosius carried the phrase from one synod to another.

[9] Nicæa III. = Elv. XXVII. Nic. V. = Elv. LIII. Nic. X. = Elv. LXXVI. Nic. XIII. = Elv. XXXII. Nic. XVII. = Elv. XX. Sardica XIV. = Elv. XXI. Sard. XVI. = Elv. LIII.

to take measures for determining the exact penalties incurred by those who had denied their faith by indirect or open disloyalty, but to settle many debatable questions of morality and discipline, and to establish the whole system of life and worship on a sound and satisfactory basis. The characteristic problems and the methods of settlement employed must be reserved for subsequent discussion. [Note E.]

NOTE A.—If Canon XXXIV. is only intended to prohibit funerals by day, as Basterus in Aguirre suggests [Aguirre, Concilia, vol. ii. p. xi foll.], it would be another illustration of the same policy of prudence in avoiding all occasion of provocation. But the theory is not substantiated, and the true explanation must be sought in a different direction.

NOTE B.—(*a*) Constantius was not himself a Christian as Eusebius [Vit. Const. xxxiii.] states.

Milman refers to Pagi [ad ann. 303. v. viii.] and Mosheim [De Rebus ante Const. Mag. pp. 929—935] Hist. Christianity, vol. ii. p. 221.

(*b*) Lecky [Europ. Morals, i. pp. 495, 496] points out the clemency of many provincial governors in a similar position. Cf. Baur, Ch. Hist. vol. ii. pp. 214, 215; and the "Bonner Zeitschrift," vol. 82, p. 81 foll.

(*c*) There is every reason to believe that Diocletian must not be held wholly responsible for all the cruel edicts issued in his name. Cf. Mason, Diocl. c. ii. iii. and p. 63 foll.; and cf. Baur, l. c. pp. 213, 214 in the notes; cf. De Broglie, L'Église et l'Empire Romain, vol. i. pp. 39 and 177.

NOTE C.—(*a*) Maxentius, who assumed rule in the West, was more a debauchee than a pagan. Subsequently, as Milman points out, when Constantine initiated his policy of uniting and consolidating the imperial power, for political reasons, he posed as a champion of the heathen faith. But at present, the Christians suffered from him, not as Christians, but as subjects. Milman, Hist. Christianity, vol. ii. pp. 224, 225.

(*b*) Milman, on the authority of Euseb. H. E. ix. 1, describes the scene of thanksgiving and praise at the new freedom, ib. pp. 229, 230.

NOTE D.—Vassaeus's theory, that Constantine visited Spain in the year 338 A.D., to drive out the barbarous nations, and to resettle the Spaniards who had fled to the hills for refuge; and that after establishing order in the secular realm, he convened this council at Illiberis to deal with ecclesiastical and religious affairs, is devoid of any foundation. For (1) the division of the country into the five provinces is known to have been made at a different date. (2) These are events too important to be left unchronicled by every Spanish historian. (3) We know that in 338 he could not have been there, or in fact, anywhere else; for he died at Nicomedia on June 1, 337. Cf. Mendoza, l. c. p. 68.

NOTE E.—Gams [vol. ii. p. 21 foll.] suggests that the Council opened on May 1, and that the result of the deliberation was formally announced on the 15th. In that case, he says, the Council would have commenced its sessions on the great anniversary festival of the arrival of the seven apostolic disciples in Spain.

III.—*The Constitution.*

§ 1. HAVING now discussed the time and the place of the Synod of Elvira, it further remains to deal with its constituent elements; without, however, anticipating the detailed account of the mutual relations of the orders of clergy and laity, which will find its natural place in other sections of this Essay. In this inquiry we are well served by the official records of the Council, which preserve the names of nineteen bishops and twenty-six presbyters, present at this assembly. From the list it is patent that this was no provincial Synod, but one representing the Spanish nation as a whole. For though the

southern districts send a disproportionate number of delegates—disproportionate, at least, if we consider only the extent of the country from which they came, without reference to the numerical distribution of Christians through the different parts of the nation—there is no portion of the nation without a representative. In later times, indeed, such an assembly would stand next in importance to an œcumenical, and to a general council, where, in the one case, the whole Church, and in the other, the half of it, united in deliberation and legislation for the Christian community: but at this time it would hold a place of no secondary or subordinate honour.

The official signatures raise questions which are not easily settled. What, it is asked, served as the standard of precedence? And, in the absence of a metropolitan, or of an archbishop, what authority would convene the Council? The second of these questions may be answered with comparative ease. As the Synod was convened in Bætica, and contained a preponderance of members from that province, there is every reason to suppose that the movement would be initiated from that district: and with Hosius present, who else could be expected to display the energy, and to possess the influence necessary for assembling so great a company from far and near?

§ 2. But the order of signatures is a problem of greater intricacy. Some historians are content to suppose an absolute confusion and rearrangement through the caprice or the carelessness of a copyist;

while others assume that parallel columns of some original list have been read in a wrong direction, and that many bishops have thus been unduly degraded, and others advanced in priority. But all this is mere conjecture, and with the comparative agreement of the MSS. we must discard explanations of this character, and adopt some more valid expedient. Age is assumed by some, and priority of ordination by others, as the criterion. But in that case the position of Hosius, who stands second on the list, seems anomalous. Even if we suppose the Synod to have taken place in 306, he would be only forty years old, and but of ten years' standing as a bishop: and it is against all reason and probability to suppose that there was but one bishop who had passed his fiftieth year, or who had served more than a decade in the episcopate.

Gams suggests, and with considerable force of argument, that the order was decided by the date of the foundation of each bishopric. He admits that outside Spain other methods for settling priority were in vogue, but points to the deviation from the common usage of the Church in the graver laws of discipline and penance as a satisfactory evidence that conformity in minor details is not to be anticipated. He then takes each diocese singly, and shows in the case of Acci, once under the presidency of Torquatus, one of the original planters of Christianity in Spain, that it stood above all the rest in antiquity, thus giving its bishop a right to the special honour of pre-eminence at this Synod. Cordova and Seville, and the other dioceses in

order, are shown to obey the same law; but into the details of the analysis it is unnecessary to enter. One piece of strong corroborative evidence is quoted from the lists of the Council of Arles, at which many nations were represented. Geographical position is the standard observed here in ranking delegates from Sicily, Italy, Gaul, and Britain; but when we come to the six Spanish representatives, the geographical order is abandoned, and we find a system similar to that of Elvira observed there too. Position is set aside, and Hispala takes precedence of Urci, and Tarraco of Saragossa and Basti: the geographical order, if followed, would have stood thus, proceeding southwards:—Saragossa, Tarraco, Basti, Urci, Emerita, Hispala. The law is broken in the case of Emerita, on the ground that its representative is a bishop, while the others are but presbyters.[1]

§ 3. The official lists of Elvira stand as follows:—

(1) Felix, Acci [Guadix].
(2) Hosius, Corduba [Cordova].
(3) Sabinus, Hispala [Seville].
(4) Camerinus, Tucci [Martos].
(5) Synagius, Egabra [Cabra].
(6) Secundinus, Castulo [Cazlona].
(7) Pardus, Mentesa [Guardia].
(8) Flavianus, Illiberis [Granada].
(9) Cantonius, Urci [Vera].
(10) Liberius, Emerita [Merida].[2]
(11) Valerius, Cæsaraugusta [Saragossa].

[1] Gams, vol. ii. pp. 173—184.

[2] Mansi, vol. ii. p. 5. Mendoza, l. c. 88—106. Gams, vol. ii. pp. 10—13.

(12) Decentius, Legio [Leon].
(13) Melantius, Toleto [Toledo].
(14) Januarius, de Fibularia [Loarre y Santa Engranacia ?].
(15) Vincentius, Ossonoba [Villanova].
(16) Quintianus, Elbora [Talavera ? Evora ?].
(17) Successus, Eliocrota [Lorca].
(18) Eutychianus, Basti [Baza].
(19) Patricius, Malaca [Malaga].

On comparing this list with that of the presbyters, it will be at once noticed that ten of the nineteen bishops are accompanied by one or more presbyters: [3] the remaining nine would in all probability be accompanied by deacons, and perhaps by presbyters, whose names have not been recorded: for on this point there is considerable divergence in manuscripts. It is also noteworthy that the great majority of the presbyters come from Bætica itself, and not from the other provinces: the expense of the journey, no doubt, at a time when the Church was poor and could not draw upon the Imperial exchequer for the travelling expenses of delegates, reduced the number of those whose presence at the Council was not indispensable.

§ 4. It must not be supposed that in this list of bishops we have the whole episcopate existing in Spain at this time fully represented: for we know that before this date—indeed as early as the year 250—Tarraco and Asturica were bishoprics, and by this time Barcelona must have attained the

[3] Hosius, Sabinus (2), Camerinus (4), Synagius (2), Secundinus, Successus (2), Flavianus, Cantonius (2), Eutychianus, and Patricius. Cf. Gams, vol. ii. pp. 14—21.

same honour. Why these places are not represented in the Synod, or at least in its official records, it would be useless to conjecture: the fact remains; and in the case of the presbyters the number of absentees will be proportionately increased, owing to their greater number and their inferior position in the ecclesiastical order. Of these, the names of twenty-four have been preserved, with their parishes. It is to be remarked that only seven of them appear to have come independently and on their own responsibility; the others accompanied their bishops.

(1) Restitutus, of Epora [Montoro], Bætica.
(2) Natalis, of Ursoná [Ossuna], Bætica.
(3) Maurus, of Illiturgi [Andugar], probably in diocese of Tucci. [Gams, i. 156—159.]
(4) Lamponianus, of Karula [Caronil], probably in province of Bætica.
(5) Barbatus, of Astigi [Alhama], probably in diocese of Basti.
(6) Felicissimus, of Teva (A Teva) [Teva], in diocese of Malaga.
(7) Leo, of Acinippo [?], Bætica, in the diocese of Seville.
(8) Liberalis, of Eliocroca [Lorca], Bætica, with the bishop of that diocese.
(9) Januarius, of Laurum [Alaura], near Munda in Bætica, the scene of the rout of the Pompeian party in Spain.
(10) Januarius, of Barbe [Barbesula], Bætica, with the bishop of Tucci.
(11) Victorinus, of Epagra [Cabra], Bætica, with the bishop of the diocese.
(12) Titus, of Ajune [Villa Arjone], in Bætica, and probably in the diocese of Tucci.
(13) Eucharius, "a Municipio." A difficulty much discussed, but admitting a very simple explanation. Almost every important town in southern Spain was a free

city at this time, the franchise having been lavishly conferred on the loyal population by Vespasian; and the attempt to fix the special designation on towns widely remote is preposterous. In the list there occurs no mention of any presbyter from Elvira, and yet it is certain that some representative of that order would be there as well as the bishop. "Municipium" will be the unconventional and local name for the city itself; "the town." [Gams, vol. ii. pp. 19, 20.]

(14) Silvanus, of Segalvinia [Salobrenna], in Bætica.
(15) Victor, of Ulia [Montemayo], in diocese of Egabra.
(16) Januarius, of Urci [Vera], with the bishop of diocese.
(17) Leo of Gemella [Martos Tucci], in Bætica, with the diocesan bishop.
(18) Turrinus, of Castulo [Cazlona], with the bishop of diocese.
(19) Luxurius, of Brana (?).
(20) Emeritus, of Baria, in diocese of Urci.
(21) Eumantius, of Solia, in diocese of Seville.
(22) Clementianus, of Ossigi [Mengibar], in Bætica, and in the diocese of Tucci.
(23) Eutyches, of Carthagena, with the bishop of Eliocroca.
(24) Julianus, of Corduba [Cordova], with Hosius, his bishop.

§ 5. Little is known of the personal history of those present, save in the case of Hosius and Valerius; and with those we have already been concerned. Some authorities are inclined to identify Sabinus and Felix with the two bishops substituted in the room of Martialis and Basilides, the apostates who caused so much trouble and confusion in the middle of the third century. But, on the other hand, Aguirre argues, with undeniable reason, that this assumption is not warranted by the facts of history. For, in the first place, the bishops of the previous century were appointed to the dioceses of Asturica and Legio, and how can we

suppose them to have removed to Acci and Hispala, in defiance of all the contemporary laws against episcopal translation? And, secondly, men ordained to be bishops in or about the year 257, in the time of Cyprian, would hardly have survived in the early years of the fourth century. It is unnecessary to identify because of the mere similarity of name.[4]

There seems to be better ground for the supposition that the Sabinus present at Elvira was the bishop who rescued the body of the martyr Justa from the well into which it had been thrown, and gathered up the bones of Rufina, her companion and sister in suffering, after her death by fire in the amphitheatre of Seville.[5]

Liberius of Emerita reappears at the Council of Arles, eight years after this Council. In name he resembles the father of the virgin martyr Eulalia, but there is no further ground for identification.[6] Natalis, among the presbyters, also signs at the same Council; but he is the only man of any note among those of his order present at the Synod.

§ 6. Besides those already mentioned, there were present the deacons and the commonalty of the Church, composed of the lay members enjoying the full rights of Church fellowship. These stood, whilst the bishops and priest sat; a position of inferiority, which, however, did not prevent a man

[4] Mansi, ii. pp. 29, 30. Cyprian, Ep. lxviii. Ad clerum in Hisp.

[5] Mendoza, l. c. p. 92. Gams, ii. p. 4.

[6] Gams, ii. p. 4. Mendoza, p. 105.

of power and reputation among their ranks from taking an important part in the deliberations, as may be seen from the Synod of Nicæa itself. Some extreme exponents of episcopal authority have endeavoured to prove that the bishops alone had the privilege of sitting at these assemblies; but Hieronymus, in his letter to Evagrius, makes it clear that the presbyters sat by rule; while Isidorus is no less explicit in his account of the formality observed at such times. He says that the chairs of the bishops were set in a ring, and that the presbyters took their seats behind them; such presbyters, at least, as the bishop of the diocese had chosen to sit with him.[7] As to the position of the commonalty there has been much discussion; some authorities asserting that the decrees of the Council were only proclaimed to them at the close of the deliberations, at which they were not present and in which they had no right to share; while others, on the analogy of the first Council of Jerusalem, assume that they were present, with a nominal right of participation in the actual debate, even if it was not exercised in practice. The separation now in process of development between the clergy and laity fairly justifies us in the assumption that their right was at most one of attendance, and not of assistance. On the other hand, the ceremonial had not yet taken the forms described by Isidorus in the treatise to which reference has already been made, in which we are

[7] Mendoza, l. c. p. 107, and Isidorus, De modo celebrandi concilia. Hieronymus, Ep. lxxxiv.

told that "at the first hour of the day before sunrise, the church is to be cleared of all, and the doors securely closed against intruders. The janitors are then to take their stand at one gate, by which the clergy are to enter: the bishops are to meet outside, and enter together, and to take their seats in the order of their standing by ordination." Some of these rules were neglected by the fathers of Elvira, as we have already seen, and there is no reason to suppose that this precision of detail obtained at the time with which we are now concerned: it bears the impress of a later age.

It is unnecessary to prove that legates of the Bishop of Rome were not present at this Council, and that their presence, if possible at that date, would have been regarded as an unwarrantable intrusion. Mendoza, in one of those passages which light up his dullest and dreariest pages, and place beyond all doubt that, buried beneath accumulations of prejudice and tradition, the fire of Christian faith and love burned in the depths of his heart, insists with startling vehemence against those who would assail the authority and the honour of the Council, that the vital point by which alone it stands, is the presence, not of man, but of the Holy Spirit of God; and quoting the words of King Reccaredus, "I believe that the blessed and the divine Presence of the Holy Trinity is in this Council; and so, as in the very sight of God, in your midst I have confessed my faith," he appeals to the promise of the living Lord, that where "two or three are gathered together," there is He "in the

midst of them"—not to answer their prayers, not to bless them, as a perversion of the promise suggests—but to share in their council, to take part in their petitions, to be with His Church as He was with His disciples during His earthly life. Such was the promise; and with fine irony the Spanish believer asks, does Christ refuse to the assembled leaders of an anxious nation what He grants to "two or three"? And when His promise embraces the world, is Spain alone to be excluded from its fulfilment? In the very errors of these men thus assembled, may be discovered the deep and earnest desire to serve God themselves, and to induce the world to render to Him its love and obedience.

CHAPTER II.

CHURCH ORGANIZATION AND DISCIPLINE.

§ 1. The Synod of Elvira was convened primarily to restore order in the Church of Spain after its disturbance in the recent persecution, and most of the bishops and clergy assembled in the place of Council would have no ulterior aim. To others, however, and to Hosius, its great leader, especially, this conference was the inauguration of a new policy, destined, as events proved, to determine the development of the Roman Empire and of the Christian Church; to draw these antagonistic powers together, and finally to unite them in perfect and apparently permanent reconciliation. Though even the most enlightened and far-seeing ecclesiastical statesmen could not have anticipated the consequences of the new departure in all their magnitude, we must not therefore refuse to credit them with any forethought at all, and attribute their deliberate action to chance or caprice. Whatever may have been the case with some, Hosius at least cannot have failed to recognize that a supreme crisis in the history of the Church was at hand, if not already come; and the high position of influence which he already occupied in the West,

his subsequent career, and the character of his genius, justify us in attributing to him the policy underlying the various measures adopted by the Synod; for with all discrepancy of detail, there was a unity of aim and intention. The rigorous severity of the Council in co-ordinating offences and penalties has diverted attention from the deeper meaning of its action, investing the Synod with an ethical rather than a political importance, while its true, and perhaps its chief aspect, has been entirely ignored. Every epithet which historians and moralists have attached to its proceedings has led opinion further and further astray, and amid all the conflict provoked by some of its canons, the original significance of the Synod has completely disappeared.

What then, it may fairly be asked, was the real purpose of the Convention, if not the reform of the abuses and evils entailed by the period of suffering and trial? At any rate, this fact is incontestable, that the whole action of the Council was to all appearance, and immediately, directed to ends of ethical or ecclesiastical polity.

§ 2. Before we give a definite reply to this question, it will be worth our while to consider for a moment the prominent characteristics of the bishop who was the centre and the inspiration of the Synod. For a great part of his life, Hosius, as we have seen, was in close attendance on the Emperor Constantine himself, the most influential member of his private council, and time after time his chosen representative and agent in schemes of

political diplomacy. He was, in fact, the statesman of the Church, and stood in that character before the world when Constantine, guided by him, announced his adhesion to the Christian faith, and assumed the functions of the Episcopate in addition to the duties of the Imperial throne. But before the great Council of Nicæa was convened, or even conceived in imagination, Hosius had entered on this path of political action.

At Arles, though not present in person, he had made his influence felt; and at Alexandria he had exerted all his power to effect a peaceable settlement between the antagonistic parties. His great concern was to secure agreement among the churches, and to shape the formless mass into an organic unity. His ideals were not those of Cyprian or of Tertullian, though they included them: his vision was neither of the purity nor of the love which might be revealed in the life of individual believers. His mission, so it seemed to him, was to anticipate on earth the harmony of the Church of Heaven, uniting the whole world of Christ in one visible communion and in one common life. The foundation was unsound, and the scheme failed, not to be realized till

"Eternity affirms the conception of an hour." [1]

But as a statesman, Hosius was bound to become legislator also, and the natural bent of his character towards positive law was intensified and strengthened by the exigences of his position. Unity of

[1] Browning, Abt Vogler.

organization and unity of law were things inseparable; and to secure the former in its perfection it was necessary first to eliminate the capricious action of local and temporary sentiment as a determinant of national conduct. The written law, though it is "broad-based upon the people's will," and is largely modified by popular standards, controls and changes them by a reflex action, and to secure any approximation to his ideal, Hosius was compelled to frame and to engraft a uniform code.

§ 3. The attempt of Diocletian to reorganize and reunite the Empire was one which could not fail to be repeated under competent successors, for in some such policy lay the last hope of national salvation and security; nor would Hosius be slow in recognizing this fact when he had once started on his public career.

The problem for solution was how to prepare the Church for taking advantage of the crisis when it came. Under Diocletian it had been powerless, but now its full strength had begun to develope, and to assume its true proportions. Could it, in the short time which might be left before the critical moment recurred, so transform itself as to stand out before the world as a recognized power; as a possible centre of national organization? The old polity had collapsed, might not this be its successor and heir? This fact, however, was certain; that to attain these ends, the Church must first undergo a vital and fundamental transformation; must cease to be an aggregate of isolated assemblies, unconnected save by spiritual ties, and assume organic

unity; must become in fact a Catholic Church, embracing Christianity as a whole, and recognizing no faith existent outside its pale; on the other hand, not excluding the heretic, if he forsook his errors, from admission into its communion. Christianity existed in thousands of hearts: how were these individuals to be united and consolidated in a community? To sects, as to congregations, the State would be once more indifferent; only a great corporation could meet and satisfy the growing desire for national unity.[2]

To such an issue all events were tending; and without assuming any foreknowledge of the unseen future or of the personal bent of Constantine, we may assert without hesitation that a man of power and genius, possessed by the desire to reconcile the State and the Church, could conceive of no other policy so well adapted to secure his ends. If the Emperor, in his time of need, proved indifferent to the claims of Christianity as a personal faith, he could not neglect it as a regenerating principle of society. Paganism had failed; the military system had failed; a Catholic Church, uniting the civil and the religious organization on a common basis, promised new vitality and a securer foundation for national life.

§ 4. But at present the Church was ill-fitted for the successful completion of such an enterprise. It was not a corporation at all; it included a mass of insignificant sects, a mere aggregate without consistent strength. The congregations were indepen-

[2] Cf. Baur, Ch. Hist. vol. ii. pp. 220—224.

dent, and practically autonomous communities, responsible to no authority, and bound in the main only by laws of their own; assimilated by community of sentiment rather than by system and statute. Some great cities which were the centres of intellectual or commercial activity, exerted by their wisdom or their wealth a preponderating influence among the poorer and humbler communities; but no definite relationship and dependence existed between them, and the stronger could bring no legal force to bear upon the weaker if it proved recalcitrant to exhortation and advice. Internally, the grades of office and rank were clear and definite, providing the subordination essential even to domestic unity: externally, there was intercourse, but no cohesion, except so far as individual need or sympathy might produce it.

The few conferences which had occurred had been convened for the settlement of special and temporary details of policy, and had produced little or no permanent effect upon the common life and action of the Church. The time had now come when corporate union was absolutely essential, and within the limits of his personal influence Hosius was determined to secure some measure at least of concerted action and policy: once inaugurated in a national convention, the example would be widely imitated by other sections of the Church.

§ 5. In the first place, it was necessary to modify the autonomy which prevailed throughout the Christian communities, and by the judicious limitation of the power of individual Churches and their officers

to increase the strength of the parts and of the whole. A uniform system of discipline was essential to the organic unity of the Church, for if in one town offences were condoned which were punished in another, there was an end to the efficiency of such penalties altogether. But once given a general code for the use of the individual sections, and a universal consent to the same method of treatment, the sentence of a part became the sentence of the whole, and the punishment was intensified in an overwhelming degree. A universal code was necessary; though to formulate immediately such a system, complete in its minutest detail, was both unnecessary and impracticable. So long as the more important and frequent offences were visited with similar rigour in all parts of the united provinces, or, if possible, of the Catholic Church—for this was the final end and ideal of the new policy—the difficulty was sufficiently met. Further legislation might be resorted to from time to time, as the course of events made fresh demands upon the resources of the Church; but at present, it was sufficient to consolidate the scattered and separate communities of the nation by the adoption of a common law and standard, admitting no deviation or change without the common consent.

While this united action was necessary to develope the corporate existence of the Church, an extension or a confirmation of the functions of the clergy could not fail to promote the same ends. Hosius would be predisposed to such a course by his own ascetic tendencies, but in urging such measures

upon the Councils of Nicæa and Elvira, the political motive would exert no inferior power. So long as the commonalty of Christians retained the functions of the priesthood as a universal right, there would be no element in the Church to serve as a means of union; but with the development of a special class, entrusted with peculiar duties, and endowed with corresponding dignity, this deficiency would be remedied. For when the attributes and honours of the Church were thus transferred to a small portion of its members, set aside almost entirely for its service, the growth of a professional spirit in the sacerdotal class would before long unite, not only the priests, but the communities over which they presided. In time, and as a superstitious reverence for the office increased, the sentiment degenerated; clergy and people came to have conflicting interests, and were brought into a position of mutual antagonism; but at first, whatever errors and evils the development of clericalism may have entailed, it at least gave the churches a personal bond of union; an element securing a general consistency among all the details of the great machine in which it was itself a part. For the growth of a Catholic Church a clergy seemed an essential condition; and while uniformity of law was a new creation, this other requisite was already present.[3]

It was on these lines, then, that the policy of the Council was to be shaped, to secure the ends at

[3] Cf. De Broglie, L'Église et l'Empire Romain, vol. i. pp. 129, 130. His description of the episcopate, as "le lien de cette unité," is also true of the clergy in general.

which Hosius and other ecclesiastical politicians of the same order now aimed. The autonomy of the individual churches was to be subjected to restrictions similar to those which had already been imposed upon the freedom of the individual believer; positive law was to supersede local sentiment; and the power of the clergy was to be increased that it might serve as the framework of an organization which was to be universal and a unity. To this goal, dimly and imperfectly conceived as yet, the policy of the Synod of Elvira was mainly directed. It was at once political and moral; sought ecclesiastical organization, and ethical reform. And since the political policy was driven to avail itself of ethical legislation to secure its ends, we have before us a vivid picture not only of the ecclesiastical, but of the moral and religious life of Western Europe. The Council seeks to make Christians pure, and the Church strong.

§ 6. The constitution of the Council affords satisfactory evidence of the position to which the Church in Spain had now attained. During the long period of peace which succeeded the fall of Valerian, the Faith had rest and security for more than a generation, untroubled by foes that were not of its own household. Gallienus, indeed, removed the restrictions under which Christians suffered, and allowed them to hold landed estates, which would serve as sites for churches, or as cemeteries for their dead.[4] In Spain, as in other parts of the Empire, churches had been erected in large numbers, some of costly magnificence and architectural beauty: new con-

[4] Euseb. H. E. vii. 13.

vents had been made, and new bishoprics established in many of its chief cities.[5]

From the list of members present at the Convention two facts appear; firstly, that the basis of ecclesiastical organization in Spain was the diocese of the bishop; and, secondly, that the assembly was no mere provincial Synod, but representative of the Spanish Church as a whole, though in the Synod the relative proportion existing between the civil provinces is not exactly observed. For of the three divisions into which Augustus had parted Spain, Bætica has fourteen episcopal delegates, as against four from Lusitania, and one from Tarraconensis. At the same time, though national to the fullest extent, the Synod has not the rank of a general, much less of an œcumenical council, to which either the universal Church, or, in the former case, one half of it, sent chosen delegates. At present, the policy of which Hosius was the chief exponent was but in its infancy; and until nations had been brought into some degree of conscious and systematic

[5] Tarraco, Asturica, Cæsar Augusta, Acci, Emerita, Urci, Illiberis, Tucci, Castulo, Mentesa, Egabra, Corduba, Astigi, Hispalis, are among the earlier foundations, as given by Gams. To these we may now add the others represented at Elvira, and a few whose existence is well authenticated, but unrepresented at the Synod.

Arnobius [Adv. Gentes i. 16] asserts the existence of numberless Christians in Spain at the end of the third century. "In Hispania, Gallia, cur eodem tempore horum nihil natum est, cum innumeri viverent in his quoque provinciis Christiani?" i. e. Why, when there were as many Christians there as elsewhere, did not the same disorders appear? Gams, vol. i. pp. 260—264, and 278, 279.

unity in their religious ritual and ecclesiastical organization, it was futile to expect greater conquests. In the National Councils was contained the germ of the Catholic Church, which though the dream of the future, as yet was a dream and nothing more. Battalions must be formed and drilled separately before they can be linked.

§ 7. This use of the terms "diocese" and "province" is really an anachronism, for both were really political divisions, the former being superior in importance and extent. Ecclesiastical usage inverted their values; elevated the province and depreciated the diocese. It was on a civil and political basis that the whole ecclesiastical order based itself, both in the external and internal organization of the Church; but in many cases it proved more lasting than its original foundation, retaining the old boundaries, while the frontier lines of city or state were erased, again to return, perhaps, to the ancient landmarks which the Church had adopted and preserved. How intimately the organization of the Church was connected with that of the State, is well illustrated by the differences existing between Northern and Southern Europe in the numerical strength and in the extent of its episcopate. In the North the bishop was bishop of a district or of a tribe, in the South of a city; the character of the office varying with the political conditions of its environment. Thus in Northern Gaul and Southern Spain, where the country had been less completely Romanized, as cities are fewer, the dioceses are larger: in Italy and Southern

Gaul, as a great European historian points out, cities lie thick on the ground; and while the dioceses increase in number they diminish in extent.[6] The bishop, then, is the local centre of the Church, and sums up in himself the honours and responsibilities of the subordinate clergy and of the Christian commonalty; he is supreme in his town or in his district, but ranks on the same level with those who hold the same office in neighbouring or distant parts. As yet the abdication, in which M. Renan somewhat inaccurately discriminates only three stages, has not been completed; there is no archbishop, much less a pope—the last development of a policy of religious centralization—who is supreme among the bishops, as the bishops among the presbyters, and these again in the Church.[7] On the strength of an ambiguous phrase occurring in a single Canon,[8] an attempt has been made to attribute a whole metropolitan system to Spain, which in that country, at the date of this Council, had no existence at all. Thus Hefele, who is less extreme in this matter than some other writers, rests an argument on the uncertain analogy of Africa. There, he says, no metropolitan rights were attached to particular towns: precedence in power and rank was the prerogative of the oldest bishop in each of the provinces, whose diocesan centre was then

[6] Freeman, Geography of Europe, vol. i. p. 167.

[7] Renan, Conférences d'Angleterre, p. 131, "L'histoire de la hiérarchie ecclésiastique est l'histoire d'une triple abdication," &c.

[8] Elv. LVIII. "Prima cathedra." Cf. Aguirre, vol. i. pp. 642—644.

called "prima sedes," corresponding to the "prima cathedra" of the Synod of Elvira. He then asserts that Felix of Acci was the oldest bishop present at the Council, and that the presidential chair, therefore, was his special right.[9]

Now there is no evidence to show that Felix of Acci was first in age of the assembled bishops, and we have seen reason to believe that a different standard altogether was adopted at Elvira for determining the relative positions of the assembled bishops, grounded, not on the age of the individual occupant of the episcopal chair, but on the antiquity of the episcopal foundation. And, in the second place, even granting precedence to a bishop singled out from his fellows on some such ground as this, there is no evidence at all to support the theory that he exercised any special powers over the rest. Indeed, such a subordination to a metropolitan would have made some of the decrees of this Council quite unnecessary. The archbishop of the province was the product of later times, though to such a development the policy of the Synod inevitably led.[1] [Note A.]

§ 8. At present, then, the bishop in charge of the mother Church in a city, or of the central Church in a district, was the supreme and autonomous authority within that portion of ecclesiastical territory. He might, indeed, be controlled from within by his Council of Presbyters, or by an adverse vote of the assembled Church, but from responsibi-

[9] Hefele, vol. i. p. 182.

[1] Cf. Gams, vol. ii. pp. 173—184.

lity to any external power and authority he enjoyed complete immunity. Advice and remonstrance were the only methods of appeal; if he disregarded these, except in cases of gross scandal, no force could touch him. His jurisdiction often extended over a larger tract than had formerly been the case when the bishop was president of the new communities formed by the early Christians. Now in the city itself, or in the surrounding country, new Churches would be founded as the faith extended its work and gained fresh converts. These new Churches, however, were not directed at first, sometimes not at all, by bishops of their own, but were delegated to the charge of a presbyter, or even of a deacon,[2] while they still remained subject to the episcopate of the mother Church. In some districts these deputies received the distinctive title of "rural bishop" [χωρεπίσκοπος], though their relation to the central organization was in no wise affected thereby. The sacraments and the discipline of the church were still under the sole direction of the Bishop, whose suffragans they were.[3]

At present, then, within the limits of his own diocese, the bishop was practically master, and

[2] Cf. Elv. LXXVII.

[3] Cf. Bingham, vol. iii. pp. 183, 184. The first Council of Toledo [A.D. 400] forbids these rural presbyters to make chrism for themselves, and directs them to obtain it before Easter from the bishop of the diocese. Arles [XVIII.] mentions the "diaconi urbici;" Neocæsarea, the ἐπιχώριοι πρεσβύτεροι [XIII.]; Antioch [VI.] forbids the rural presbyters to give letters of communion [A.D. 341]. Cf. Euseb. H. E. vii. 24. Πρεσβυτέρους καὶ διδασκάλους τῶν ἐν ταῖς κώμαις ἀδελφῶν.

against the decision of Church and clergy there was no appeal. It was, however, inevitable that in the absence of a systematic agreement for united action, the policy of one diocese might be repudiated or discountenanced by another; and in this fact lay the chief weakness of the Church, and the most ready refuge of the offender. One bishop might indeed condemn, and even excommunicate him, but unless the sentence were endorsed by others, the punishment lost its terrors, and a few miles would relieve him from the unpleasantness of a life of isolation and reproach. Yet unless the excommunication was effectual in excluding an outlawed Christian from the sacraments and the fellowship of the Church, it was a remedy worse than useless, and a hardened criminal might repair from city to city, trading upon the beneficent charity of the Christian community, till some scandalous offence laid him under fresh condemnation, and compelled him once more to seek a new home elsewhere. Nor was it only in cases of gross and grievous sin that such a precaution was necessary, for the heretic of one diocese might find himself after expulsion and migration among the orthodox of another. To secure harmony and unanimity it was essential that the autonomy of individual bishops in receiving Christians by profession into the Church should be defined and restricted.

§ 9. To this end, the Synod enacted that every believer so expelled should be readmitted only by the bishop who originally excluded him from communion, and that any one who should presume to restore the

offender without the consent or co-operation of the other, should be considered as guilty of an offence imperilling by its gravity his episcopal office.[4] It is evident that the apparent restriction is in reality an extension of episcopal power. Each bishop secures by a slight amount of personal abnegation an immense increase of positive control; for henceforth his sentence of expulsion is valid, not only within the limits of his own confined jurisdiction, but through the length and breadth of an entire nation. We need feel no surprise at the emphatic affirmation accorded to this Canon,[5] which was indeed the key-note of the policy at this time inaugurated, while its universal acceptance was an essential condition of its efficiency in operation.[6] Hosius saw the same principle affirmed in different words at Nicæa,[7] and at Sardica,[8] and even before the earlier of these Councils, its provisions had been informally accepted elsewhere.[9]

When similar enactments were approved by Council after Council, and as the Christian community extended and increased in power and influence, the sentence of a single bishop acquired a

[4] Elv. LIII. [cf. Note X.]
[5] "Placuit cunctis."
[6] Cf. Aristotle, Œcon. lib. ii., and Mendoza, l. c. p. 313.
[7] Nic. V.
[8] Sard. XVI.
[9] Cf. Antioch, A.D. 341 [VI.]; Hippo, A.D. 393, [XXX.]; Apost. Can. XXXI., which applies specially to the clergy. For a modification of the same prohibition, cf. Arles XVII., "ut nullus episcopus alium episcopum inculcet." At Antioch [II.] any of the clergy associating with those out of communion were deposed for their offence against the order of the Church. Cf. Apost. Can. X. XI. XII. and Hatch, Bampton Lectures, pp. 170—173.

terrible severity hitherto unknown, and even at present the consequences of exclusion, though confined within the limits of a few provinces, and to a subordinate sect of the people, were serious enough to cause alarm and to secure submission. This was the first step to a sentence of world-wide validity.

To secure the decrees of the Synod against evasion, it was necessary that great caution and strictness should be observed in the admission to communion of professed Christians who had come in the course of travel or by change of home into a strange city. Through the absence of due precautions, not only had the hospitality and generosity of individual Christians been often and grossly abused, but the Church also had been deceived and deluded by the false pretensions of unknown strangers. From a very early date letters of commendation, affording a guarantee to distant Churches of the position and claims of the traveller, had not been unknown,[1] and with the lapse of time increased use had given them a set and official form.[2]

A layman about to set out on a journey would take these letters of introduction, to secure his admission to communion and social intercourse in the cities which he intended to visit; a cleric would carry similar testimony to his morality and orthodoxy on leaving one diocese for another. Even if the change were but from one parish to another, the

[1] Cf. Ep. 2 Corinth. iii.

[2] "Literæ formatæ;" cf. Sueton. Dom. xiii.: "formalis epistola," "ἐπιστολαὶ συστατικαί, εἰρηνικαί, κοινωνικαί,—epistolæ pacificæ," communicatoriæ, were virtually synonymous titles. Cf. Gieseler, Eccl. Hist. vol. i. p. 263, note 7.

presbyter would give the recommendation which for greater distances had to be obtained from the bishop. A considerable amount of laxity and irregularity had prevailed, however, in this practice; and though it was now no longer customary as in primitive times for a Church to receive a stranger without satisfactory credentials, letters of commendation had been admitted, which were not duly authenticated by the responsible authorities. Cases were not unknown in which such letters had been obtained from those who had witnessed for Christ in the time of persecution[3]—a lingering remnant of former prerogatives—or from the wives of married bishops; and sometimes the testimonials had been forged or acquired by fraud.

§ 10. To check such irregularities, the Synod forbade men to receive letters from the wives of Church dignitaries,[4] and recommended the clergy generally, and bishops in particular, to examine those who presented testimonials, to ascertain their genuineness and the identity of the bearer.[5] Such precautions were advisable in all places, and especially at the official seat of the bishop, for he would receive a larger number of these strangers than any of the subordinate clergy; while if he admitted offenders who thus endeavoured to return by stealth into the communion they had forfeited, or men who were anxious to avoid the preliminary probation, there would be no one to remedy his mistakes. It was not to ascertain the condition of other dioceses, as

[3] Cf. Arles IX.

[4] Elv. LXXXI.

[5] Elv. LVIII.

some have thought,[6] that the inquiry was instituted; for the bishop would have no jurisdiction there; this special care was enjoined to secure his own charge against the dangers arising from indiscreet and careless admission. Subsequently the rule was made more stringent still, and it became the custom to receive no one into another church without a formal letter from his former bishop.[7]

It is possible, though not certain, that the Synod directly forbade Christians to receive letters of commendation from those who had confessed Christ in persecution; such, at least, is the interpretation which some commentators of note put upon the twenty-fifth Canon.[8] It would, however, seem more natural, judging from the evidence afforded by the Canon itself, to prefer another view. For the Canon refers, not to those who ask for letters, but to those who present them; and recommends that the name of "confessor" shall be struck out, and letters of communion given instead, assigning as a reason, the fact that the title of honour deceives and misleads simple and unsuspecting souls. The case was this: some Christians, when setting out on a journey, presented to their bishop for signature letters stating that they had been "confessors," hoping by this imposing name to secure greater distinction and consideration in distant churches,

[6] Hefele, vol. i. p. 182, corrects his former misinterpretation.

[7] Cf. Can. Apost. XIII. XXXIV. Antioch, VII.

[8] Elv. XXV. Cf. Aubespine, pp. 33, 34. Migne, Dict. Concil. vol. i. p. 820. Gams, vol. ii. p. 77. Herbst, Tubingen Theolog. Quartalschrift, 1821, pp. 29, 30. Arles (IX.) makes in favour of this theory.

perhaps even with the intention of raising alms by its means. The bishop, to avoid all such malpractices, was to disallow the distinctive title, and was advised to give ordinary letters of communion, and nothing more. The Canon was intended for the protection of the simple, not for the security of the bishop.[9]

§ 11. Such precautions were essential, not only in the case of lay Christians coming from strange provinces, but still more where the clergy were concerned, who, as we shall presently see, in pursuance of a similar policy, were now subjected to the most stringent regu-

[9] Cf. Hefele, vol. i. pp. 165, 166. Remy Ceillier, Histoire des Auteurs Sacrés, vol. iii. p. 665; and München, Bonner Zeitschrift, vol. xxvi. p. 51.

Mendoza's explanation is different, and untrustworthy. He says that confessors, like martyrs, had the honourable privilege of granting letters of intercession on behalf of the "lapsi," who were presented to the bishop, or, in case of need, to the priest or deacon [cf. Cyprian, Ep. xiii. ad Presbyt.], and giving a passport to communion [cf. Arles IX.: "De his qui confessorum litéras afferunt, placuit, ut sublatis literis, alias accipiant communicatorias."] He is, however, puzzled by "concutiant" &c., and, uncertain as to its exact force, gives alternative explanations: the name of the martyr in the letter (i.) deluded the commonalty into the belief that he, and not the bishop in Christ's name, forgives the sin and remits its penalties, and thus led them not to present the letters in the proper quarter [cf. Cyprian, Ad Mart. x.]; or (ii.) it deceived the "confessor" himself into thinking that this privilege was a right, thus leading to irregularity and laxity in the bestowal of the letters [cf. Cyprian, Ep. xxix. xxx.]. Thus (*a*) Lucianus gives letters in the name of Paulus after his death; and (*b*) in the name of the youth Aurelius, who could not write [cf. Mendoza, l. c. pp. 216—218]. He is followed by Baronius.

On the letters given to associates of philosophical schools, cf. Hatch, Bampton Lecture, p. 45.

lations. For if it was important to secure the communion of the Church from unwarrantable intrusion, even greater care was requisite in admitting strangers to the priesthood. The clergy were required to be free from even the suspicion of sin; and it would have been a dangerous course to admit men into its ranks merely because nothing definite was known against them in a foreign province. The Synod therefore enacted that those who had been baptised abroad, should not be promoted into the ranks of the clergy in any foreign province.[1] At Arles a similar provision was approved;[2] while at Nicæa the clergy who had left their charge, were commanded to return to their proper diocese; and bishops were strictly forbidden to "steal a man" belonging to a brother, or to ordain such an one in a foreign diocese.[3] The latter part of the canon is supposed to have special reference to the Meletian schism,[4] but the principle was one of far wider application. At Rome, when Manichean heresies threatened the peace and unity of the Church, special edicts were passed against the ordination of Africans and foreigners; and at the Council of Sardica, the habits of the Eusebian party seem to have necessitated a still greater rigour in dealing with such irregularities. The caution shown by the Church in appointing to office was not without effect upon the civil authorities, and it was made a

[1] Elv. XXIV.

[2] Arles XXVI. The Canon is, however, of doubtful authenticity.

[3] Nicæa XVI.

[4] Cf. Hefele, vol. i. pp. 420, 421.

ground of complaint that, while Christians and Jews were most circumspect in ordaining priests, a similar precaution was neglected in appointing the rulers of provinces, who exercised supreme power over men's fortunes and lives.[5]

§ 12. This special caution in selecting the candidates for clerical office was only a subordinate element in a wider policy, aiming at a vital and complete discrimination of clergy and laity in the Christian Church. The tendency was natural, but at Elvira it was undoubtedly fostered and promoted in pursuance of definite aims, which have already been described. To emphasize the distinction between the two classes, it was not enough to insist upon a testimony to personal character and history, which was required in the case of any Christian migrating from one diocese to another, even when the precaution was rendered more efficient by further restrictions upon ordination abroad. To mark off the clergy as a class, measures were necessary to assert in the most emphatic way the special dignity and honour of the priestly office which they held. Thus, the Synod made mortal sin committed in youth an insuperable barrier to continuance in office, and therefore, we may suppose, to ordination, in accordance with the Nicene Canons.[6] In this Council, heresy was put upon the same level as deadly sin; and the heretic who forsook his errors was, like the sinner, to be refused ordination, or to be deposed,

[5] Lampridius, Alex. Severus. Cf. Carthag. Synod IV. C. XXII. Antioch III. Sardica I.

[6] Cf. Nicæa II. IX. X. Elv. LXXVI.

if such an one had eluded episcopal vigilance or profited by undue laxity. And though at this time there was little, if any, organized heresy in Spain, yet there could not fail to be a certain number of Christians who had been exposed to, and affected by, foreign influences.[7] The severity shown by the Synod has been contrasted with the lenity of the Nicene Fathers to the Novatian clergy; but, as Hefele rightly points out, the Novatians were schismatics, and not heretics in the strict sense of the word: they separated themselves within the Church by the rigour of their discipline, but they did not teach anything fundamentally opposed to the Catholic doctrine.[8] And thus, partly from such reasons, and partly, no doubt, from motives of political and ecclesiastical policy, those who conformed were permitted to retain their priestly status, after the imposition of hands by a bishop of the Church.[9] To those, however, who had fallen from baptismal grace, no more consideration was shown in the Eastern than in the Western Council.[1] The same treatment was applied to the Donatists in Africa and at Rome.[2]

It is easy to understand how sin and error were considered disqualifications for the Christian priesthood, when the sentiment and spirit of the Church turned in this direction. But at first sight the prohibition imposed upon the ordination of freedmen,

[7] Cf. Mendoza, l. c. pp. 309, 310.

[8] Hefele, vol. i. pp. 409, 410.

[9] Nicæa VIII. [1] Ib. X.

[2] In Elv. LI. it is to be noticed that "fidelis" is a believer coming from heresy; i. e. who has received heretical baptism.

whose masters were heathen, is somewhat inexplicable; and it seems as if the Church had been guilty of a compromise with the false distinctions of worldly society, ignoring the fact that truest faith and noblest zeal might exist in the slave no less than in his master, and forgetting the heroic sufferings which many others besides Blandina had undergone in the time of persecution. The Synod, however, was influenced by different motives from these. The Christian who had not been born to freedom, but had received it as a gift, was not entirely free, and still owed his former master a certain respect and service, the refusal of which might endanger the liberty he had gained.[3] The freedman had to render daily recognition of his master's authority, to feed his "patronus," if in want; and if he left behind him at death more than one hundred gold pieces [aurei], the master was heir. There was a danger that intimacy with the heathen household might taint and corrupt the morals of the Christian, while his master's authority would remain paramount even after the act of manumission, especially if a gentle and temperate rule had left a pre-existing debt of kindness.[4]

But, further, the Church would feel an invincible repugnance that one still in subservience to an unbeliever should aspire to dominion among the highly privileged order of the clergy. Had a

[3] Elv. LXXX.

[4] Cf. Gratian, De Ingrat. Libert. "Libertini" are "ex inita servitute manumissi." Gaius, De Statu Hominis. "Ingenui," those free by birth: e. g. the children of the liberti.

[5] Cf. Lecky, Eur. Mor. vol. ii. p. 71.

Christian been his master, the case were different: perfect freedom and exemption from the somewhat menial duties entailed by his condition might easily have been procured; in the other case it was difficult, if not impossible, to ensure this measure of relief; and hence the restriction was imposed.[6] In all these several enactments there is one and the same motive—the desire to separate and distinguish the clergy, as a class superior in personal and in official character, and differentiated from the commonalty of Christians by pre-eminent merits corresponding to their pre-eminent prerogatives. It was only in this way that the supremacy of the clerical office could be developed and maintained; and without such a supremacy, the organic power of the Church as a social and ecclesiastical unity could be only an aspiration and ideal, remote from all realization in historic fact.

§ 13. To assert and express this class discrimination in the clearest and plainest way, no means could be more efficient than a distinction in prerogative and penalty, condoning in the laity sins punished in the clergy; or, when such leniency was impossible, visiting the offence with a sentence of relaxed severity. At present—except for the fact that much of their time was necessarily devoted to the business of the Church, thus excluding them by want of leisure, as well as by law, from some trades and occupations—there was no other method of distinguishing the clergy from the rest of the believers. To punish their sins in a special way, on

[6] Cf. Corp. Jur. Can. Dist. liv.

the ground that they were pre-eminently constrained to attain a high degree of personal sanctity, and to exclude others from the performance of the functions now entrusted to them, was an essential step towards the subsequent organization of the Church under Christian rulers. For without a pre-existing consciousness and recognition of a vital difference separating the one class from the other, the mass of the people, and even of Christian people, would infallibly have resented the exemption of their clergy from the burdens to which they themselves were liable, and would have fiercely denounced the distinction as partial and unfair. But having been thus habituated to a discrimination in spiritual life, they accepted, without murmur of discontent, a corresponding difference in the secular order, which indeed was so misused that the most stringent regulations were necessary to protect the State against the abuses to which it gave rise.

We shall see in the course of this essay the difference in the treatment accorded to the offences of clery and laity respectively; but even without the full details before us, it is easy to conjecture how deeply this diversity of punishment must have affected the mind and imagination of the Christian commonalty, when they saw bishop, priest, and deacon subjected to special restrictions, and exposed to life-long shame and reproach for violation of these rigorous conditions, while the ordinary Christian conformed to the provisions of a gentler code.[1] The believer, even if he fell into grievous trans-

[1] Cf. Elv. XIX. XX. XXVII. XXX. XXXIII. LXV. LXXVI.

gression, might regain his Eucharistic privilege at the hour of death; but the clerical office, once lost, was lost for ever, beyond the reach of remedy or reparation.

§ 14. Just as the separation of the clergy from the laity became more absolute, so did the distinction between the various ranks of the clergy. We have already seen how widely the old conception of each Christian Church as a community complete in itself had fallen into neglect, and the position of subordination and dependence occupied by numerous rural congregations. This inferiority was occasioned, not by merely local considerations, but by the absence of the bishop, who now concentrated and embodied the power of the entire community. The old diversity of functions had long since passed away. The bishop was no more the presiding and administrative officer in every Christian Church, superior in authority, but not in essential worth and virtue, to those in his charge; the deacons were no longer his associated agents in distribution and inquiry; and the presbyters were not primarily and essentially a council of discipline. The old basis of organization had been exchanged for another; sacramental efficacy now supplied the standard of precedence and power, and the triple rank represented a gradation of sacramental authority. The bishop had supreme control over the sacraments of the Church, while presbyter and deacon derived an accessory power from his sanction. The commonalty of the Church still kept a share of responsibility in episcopal elections, but the presence of other bishops of the province was

essential to the validity of the choice.[8] Nor was the bishop when elected and consecrated entirely unfettered in his action, for he was still bound, at least to take counsel with his presbyters. But he was now by prescription the supreme authority in the Church, and a congregation of the faithful who did not include a bishop among its officers was debarred from exercising, except by an act of grace, some of the most important functions of the Christian Church. The bishops had monopolized the ministry of the word and the ministry of the sacraments. Baptism, confirmation, ordination, the Eucharist, and even preaching, were primarily and essentially the privilege of the bishop, and in matters of discipline he had the supreme voice. He might under certain conditions delegate a part of his functions to a presbyter, or even to a deacon, in case of extreme need; but episcopal supremacy was the fundamental conception of the new order. With such a basis the consolidation of the Church by the official element was an easy matter. No system would have served the purpose so well as the sacramental distinction, which from its nature was easy to assert, and difficult to dispute or deny.

§ 15. The original consciousness, however, of a more universal priesthood of Christians still survived to some extent, though weakened and impaired by subsequent developments of faith and ritual, and it may be traced in the Canons of the Synod. Thus, although reconciliation and restoration could legally

[8] Cf. Nicæa IV. and Arles XX.; and vid. Hefele, vol. i. p. 381 foll., on the exact authority of the people in such elections.

be granted by none save a bishop, and, according to the enactments of this Synod, only by the bishop who orginally pronounced the sentence of excommunication,[9] it is here granted that while penitence before a priest shall not in ordinary cases be recognized, yet in cases of extremity a presbyter may concede readmission on his own responsibility, or even a deacon if so directed by a presbyter.[1] This concession would of course be specially necessary in rural districts in charge of the inferior clergy, where the presence of a bishop could not easily be secured.[2]

Baptism, however, to take another case, was ordina-

[9] Elv. LIII. [1] Elv. XXXII., and contrast Nicæa XVIII.

[2] Cf. Cyprian, Ep. xiii. ad Clerum, and Elv. LXXVII.

The title of the Canon, "De excommunicatis presbyteris, ut," &c., has given rise to considerable difference of opinion and interpretation. Nolte [Tubing. Theol. Quart. 1865, p. 310] would strike out "presbyteris," or transpose it and "excommunicatis." Mansi finds in fact this reading in several manuscripts; and Aubespine suggests the change, p. 40 [in margine].

Gams is certainly wrong in maintaining the erroneous version. While it is true that the law would apply to "excommunicated presbyters" as well as to the "laity," there is no reason in the Canon why they should be thus singled out in the title. The error has arisen from the close conjunction of "si quis . . . inciderit" with "presbyterum;" but it is the penitent and not the presbyter whose offence is here presupposed. A presbyter guilty of grievous sin, *ipso facto* forfeits his prerogatives [Gams, vol. ii. p. 84].

Gonzalez Tellez explains the latter part of the Canon on the theory that deacons could give only the Eucharist, not absolution; while Binterim asserts that the ministration of a presbyter was essential, though a deacon might assist him if desired. [Katholik, 1821, vol. ii. p. 432.] Cf. Mendoza, l. c. p. 244, Aguirre, vol. i. pp. 514—516, and Hefele, vol. i. p. 168.

rily the prerogative of the bishop and the presbyter,[3] but in extreme need a deacon in charge of a rural congregation might administer this sacrament in the absence of the superior clergy.[4] The same principle receives a still more striking application in another Canon of the Synod, which allows a believer who has not defiled his baptismal robe, and is not a bigamist —thus conforming in some degree to the obligation of the clergy — in voyages abroad, or where no Church is near at hand, to baptise a catechumen in extreme peril of life.[5] Should, however, a Christian so baptised survive, he was to be brought to the bishop, and confirmed with laying on of hands; though should death occur before this part of the inaugural ceremony could be performed, the baptismal profession of faith was to be considered as sufficient to ensure salvation;[6] evidence which proves incidentally that confirmation, and consequently communion and unction, were not at this time demanded as essential to salvation. Great stress was, however, laid upon this episcopal confirmation; and at Arles and Nicæa we find that converts from heresy, who had been baptised in the name of the Trinity, were not to receive a second baptism, but were to be formally confirmed;[7] in antagonism to the African law, which insisted upon a renewal of the rite.[8] [Note B.]

[3] Cf. Tert. de Bapt. c. xvii.; cf. vii. and viii. and Hieronymus, adv. Lucif. c. xxvi. xxvii. Migne, Patrologia, vol. xxxiii. p. 180.

[4] Elv. LXXVII.

[5] Elv. XXXVIII.

[6] Elv. LXXVII.

[7] Arles VIII. Nicæa XIX.

[8] Cf. Hefele, vol. i. pp. 130, 131. On the baptismal cere-

§ 16. There is another Canon, to all appearance standing in most intimate connexion with those already discussed, which provides for the case of a heathen of virtuous life according to the ordinary standard, who desires to show his conversion to the Christian faith, directing that "hands shall be laid upon such, and they shall become Christians."[9] Judging from the preceding Canon,[1] which admits the baptism of a faithful and upright believer in case of necessity, we may infer that in this similar case of need the intervention of a layman was also valid, when none of the clergy were within call; though the terseness of the decree leaves considerable room for doubt. At any rate this may fairly be asserted, that as the catechumen might be irregularly baptised in case of need, so might the heathen be irregularly admitted to the catechumenate; for this is the strict and technical meaning of the title "Christianus."[2] This view harmonizes with the seventh Canon of the second Œcumenical Council, held in 380 A.D., the authenticity of which is, however impugned by Hefele and other commentators with considerable force.[3] The Canon, whether genuine, or an extract from a letter of

monies, cf. *inter alia*, Prudentius, Psychomachia. "Post inscripta oleo fronti signacula per quæ Unguentum regale datum est et chrisma perenne." Confirmation was the σφραγὶς, the seal of baptism.

[9] Elv. XXXIX. [1] Elv. XXXVIII.

[2] Cf. Elv. XLV. LIX., and August. Tract. xliv., John, c. ix. § 2. Migne, Patrologia, vol. xxxv. p. 1714.

[3] Cf. Hefele, vol. ii. pp. 27, 28, and Beveridge, Pandectæ, P. II. Annot. p. 100 sq. Van Espen, Comm. in Can. p. 194, there quoted.

Martyrius, Bishop of Antioch some eighty years later, says:—"Heathen are on the first day admitted as Christians, on the next as catechumens, on the third day they are exorcised." So Constantine received the imposition of hands at Hellenopolis before his baptism.[4] And, as Herbst points out, a heathen man in dangerous illness might well take this course, either in faith, or through belief in some supernatural power of the rite which would remove his sickness on account of the prayers of the Church on his behalf. Applications of this kind would lead to some hesitation as to the duty of the clergy and of lay Christians, and the practice is therefore formally recognized.[5] On this hypothesis we have a complete and harmonious system throughout: the believer may admit the heathen in case of need to the catechumenate; a layman of irreproachable character, or deacon, may baptise the catechumen; and priest or a deacon may administer the Eucharist to a baptised Christian. Whatever recommendation other theories may have to support them, in this respect they are certainly deficient; and considering the concise wording of the Canons, the unity of the policy pursued by the Synod, and the context of the Canon, this explanation seems not only defensible, but even preferable. [Note C.]

[4] Cf. Hefele, vol. i. p. 480.

[5] Herbst, Tubing. Theol. Quart. 1821, pp. 38, 39. Cf. Binius, Mansi, vol. ii. p. 40, Katerkamp, Kirchengeschichte, vol. ii. p. 21., and Dr. Nickes in the Zeitschrift für Katholische Theologie, Wien, 1856, pp. 35, and 33—37. Gams, vol. ii. pp. 101, 102. Cf. Arles, C. VI.

§ 17. These concessions, granted through urgency and not on principle, show to how great an extent the sacerdotal function has been engrossed by the members of the clerical order. And hence it came to pass that the Synod had only to confirm the pre-existent system, and to secure the continuance of the monopoly of prerogative within certain limits in pursuance of their policy. There was an order in the Christian Church to link congregation to congregation. One bishop was the natural ally of his neighbour; presbyters and deacons of one city had the same interests at heart as their brethren in other parts of the province. And so the organic union, which with isolated and democratic communities would have been all but impossible, was developed and cemented by the universal presence of a consecrated class, endowed with pre-eminent powers, and invested with peculiar responsibility; who, in fact, fulfilled the functions of the osseous structure in the living organism, and gave compactness and strength to the ecclesiastical fabric, which without such artificial aid would have become flaccid or decomposed.

§ 18. It only remains to discuss the last of the three great methods by which the leaders of the Church proposed to make the autonomous and isolated communities integral parts of an organic whole; that uniform system of discipline restricting individual action within the narrowest limits. Such a code of law was essential, as we have already seen, to the development of corporate life in the congregations subsisting within the Spanish Church, and

without such a basis a common national life would have been impossible: for it is in conformity to similar and universal standards that national and municipal life consists.

Such a code, then, was demanded by the circumstances of the times; and even in the absence of any special need, the characteristic genius of the West could not have failed to produce one. For throughout that part of Europe the influence of Rome was paramount, and from Rome these nations had inherited the legal instinct which was the essential concomitant of empire won by courage and held by wisdom. Even when political power began to wane, and the national fabric became decrepit and infirm, the legal genius survived in an otherwise degenerate race. A great exponent of the philosophy of law has pointed out the contrast of Eastern and Western Christendom, and how, in passing from one region to the other, "Theological speculation has passed from a climate of Greek metaphysics to a climate of Roman law."[6] And thus, while from Greece and Alexandria were derived the speculative and the metaphysical elements of Christianity, the Latin communities debated and decided questions of law and of morals: the one defines the Godhead, the other discriminates the penalties of sin. Nor could any other result be anticipated, for nations in changing their faith still keep their character; and men who had been "occupied in applying a peculiar set of principles to all the combinations in which the circumstances of life are capable of being arranged,"

[6] Maine, Ancient Law, pp. 356, 357. De Broglie, l. c. p. 58.

would inevitably transfer their interests and activities to the new sphere of thought and duty revealed to them in the Christian life.[7]

§ 19. It is this tendency of the human mind which gives us codes like those adopted at Elvira, and by other Western Councils; codes which, though they do not possess the detailed perfection of a complete legal system, in time approximate to it. At first sight, indeed, the immense preponderance of the penal elements in the code of a civilized community seems to present a gross and palpable violation of the laws which control the development of legal consciousness. The anomaly, however, is more apparent than real. For we must not forget that the Church, though a society of civilized members, from a legal point of view occupied almost the identical position of primitive communities, where law as yet exists only in its most rudimentary stages: the Church is not barbarous; yet, like barbarous societies, in the sphere of law its chief concern is with crime and its punishment. The explanation of the paradox is strangely simple. Every characteristic of primitive law recurs in the Church by reason of its nature and basis. In it, as in primitive society, there is no law of persons, the status of the individual being merged in common subjection to paternal power; for except so far as the ranks of the clergy are concerned, there is no distinction of Christians within the Church. Again, in such a society there is not necessarily any law of property and succession. In the one case, land and goods

[7] Maine, Ancient Law, p. 358.

devolve within the family, and no legal direction is necessary to provide for their transmission; in the other, the question is either removed from the jurisdiction of the Church by the national law of the secular power, or is left to the conscience of the individual. And lastly, contract, the great characteristic of mature civilized life, has no place in morals and religion, but is essentially foreign in nature and force. In the Church, therefore, and in early social developments, the same result is produced by the action of dissimilar causes; and the criminal law has priority and preponderance in both alike.[8]

§ 20. To enumerate in this place the diversity of offences, moral and religious, on which punishment is inflicted by the Synodical decrees, would be tedious and futile. Their nature and number will appear as we pass through the various phases of Christian life in Western Europe at this epoch. Murder, unchastity, and idolatry are the cardinal sins; but the Council occupied itself also with offences far less grave than these, and as different in kind as in enormity. The Canons which mark out for punishment the gambler, the church absentee, and the associate of Jews, may serve as typical illustrations of the variety and extent of the subjects included in their legislative action, but at present our concern is rather with the penalties imposed than with the offences which provoked them.

The punishments, unlike the offences, vary rather in degree than in kind, and maintain throughout an

[8] Cf. Maine, Ancient Law, pp. 368, 369.

essential similarity, both in the case of the graver and of the more trivial sins; for the sentence which is imposed upon flagrant vices, such as idolatry and impurity, differs only in duration and intensity from the punishment of the delinquencies enumerated above. The direct physical vengeance which inflicted disease or death on Elymas, Sapphira, and Ananias, had become a thing of the past. The power was temporary, and intended to supply the defect of civil and coercive power, of which the early Church was wholly destitute.[9] Now that the Church possessed other methods of enforcing its sentence, this transcendent appeal was no longer necessary; and when necessity ceased, the miraculous aid ceased too. Fire and cloud grow dim when the years of wandering end. And thus the weapon of the Church had now become sacramental instead of supernatural; for even in the social penalties the sacramental element was fundamental. Exclusion from the sacraments led to exclusion from the home: in Christianity, as in paganism, it is violation of the mysteries, and divine displeasure, that disqualify a man for companionship.[1]

§ 21. It was this separation from the Christian and from the Eucharistic communion to which the Church resorted for the punishment of the disobedient; or, in the case of those who had not yet fully entered into the privileges of discipleship, to a corresponding exclusion from baptism. Excommunication thus had this double force, and the

[9] Cf. Cave, Primitive Christianity, p. 359.

[1] Cf. Horace, Odes, iii. 2 28.

offender forfeited Eucharistic access to God, and the sympathetic fellowship of the Church, by the self-same sentence, though the fact was not explicitly stated. Eucharistic communion was indeed the sign and seal of admission, or of restoration to the inner congregation of the faithful; and when the Christian lost the one, he lapsed from the other. In a great number of instances, "communion" is a term of two-fold significance.[2] At other times, the word specially applies to the legal status of Church membership—to the "communio Dominica."[3] Thus, as Gams points out, the phrase "communion" is never applied to the admission of the convert to the catechumenate, or of the catechumen to baptism, when the two years of preliminary probation required by this Synod had been honourably and blamelessly completed.[4] Till hands had been laid upon them in confirmation, these "Christians," as they were technically called, were not free of the communion in either sense; only when fully initiated and admitted were these privileges theirs.

As the heathen became a catechumen, so the heretic, baptised already, was admitted to penitence

[2] Cf. Canons I. II. III. V. VI. VII. VIII. IX. X. XII. XIII. XIV. XVII. XVIII. XXII. XXVIII. XXXI. XXXII. XL. XLVI. XLVII.* LIII.* LV. LXI.* LXIII. LXIV. LXV. LXVII. LXIX.* LXX. LXXI. LXXII.* LXXIII. LXXV. LXXVI.* [The asterisk denotes that the specific force is confined to a part of the Canon.]

[3] Cf. Canons XLVII.* L. LIII.* LVI. LVII. LVIII. LIX. LXII. LXIX.* LXXII.* LXXIV. LXXVI.* LXXVIII.* LXXIX.

[4] Elv. XLII.

and then to communion; while the children of such a father who had been led away in infancy, were admitted even without such restrictions.[5] No heathen, Jew, heretic, or catechumen, therefore, had the rights of communion.[6] [Note D.]

It was then in exclusion of this nature, formally and authoritatively imposed, that the Church of the fourth century, like the Church of previous centuries, sought a remedy for sin; though a process which originally had been suggested by subjective incongruity had now been transformed into mere objective penalty. The culprit was excluded, not as unfit to participate in sacred mysteries, but with a vindictive and retributive, or rather a corrective, intention; and in this distinction is involved an immense difference.

§ 22. With this conception of the nature of the sentence, it was not inconsistent to define its duration: had spiritual and moral unfitness been the criterion, with the recovery of purity and devoutness the exclusion must have ceased. But now, mortal sins, especially when combined, condemned the offender to life-long exclusion, terminated not even by the approach of death.[7] In other cases, the sentence relaxed its severity when death was at hand or anticipated, and in his last hours, the penitent was restored to his old position, and allowed for

[5] Elv. XXII. [6] Cf. Gams, vol. ii. pp. 22—27.

[7] Canons I. II. III.* VI. VII. VIII. XII. XIII.* XVII. XX. (P) XXXIV.* XXXVII. XLI. XLVII.* XLIX. LXII. LXIII. LXIV.* LXVI. LXX.* LXXI. LXXII.* LXXIII.* LXXV.

the last time to share in the Communion of the Lord.[8]

There were other gradations of punishment, corresponding to similar gradations in guilt, artificial and arbitrary though these might be; and the term of excommunication was fixed at ten years,[9] at seven,[1] at five,[2] three,[3] two,[4] and at one.[5] In some cases the term was left indefinite, either through variation of the conditions of restoration, or through a general agreement of pre-existing customs recognized by the Synod.[6] A second offence was, however, followed by permanent and irrevocable exclusion.[7]

In the same way, the clergy, subject to the operation of the universal code, might for special offences be expelled and excommunicated everlastingly;[8] or after a term of suspension, sometimes of five years' duration,[9] sometimes of three,[1] or undefined,[2] be allowed communion as laymen, having forfeited their holy office.[3]

[8] Elv. III. X. XIII.* Baptism was similarly admitted: [LXVIII.]

[9] Ib. XXII.* XLVI. LIX.* LXIV.* LXX.*

[1] Ib. V.*

[2] Ib. V.* XIV.* XVI. XL. LXI. LXIX. LXXII.* LXIV. LXVIII. Baptism, XI. LXXIII.

[3] Ib. LIV.* LVII. LXXVIII. (?) Baptism, IV.

[4] Ib. LV. LXXIV. [5] Ib. XIV.* LVI. LXXIX.

[6] Ib. IX. XXI. XXXI. L. LIX.* LXVII. LXXVIII.

[7] Ib. VII. [8] Ib. XVIII. XXX. XXXIII. LI. LXV.

[9] Ib. LXXVI. [1] Ib. LXXVI. [2] Ib. XX.

[3] Thus lay-communion was granted to the bishops who ordained Novatian, on his penitence and return to the Church. Euseb. H. E. vi. 43; cf. Cyp. Ep. lii. lxvii. Novatians denied all pardon.

A solemn anathema was occasionally pronounced against the worst offenders, subjecting them to permanent excommunication.[4] Where the offence was less serious, or severity seemed unadvisable, censure and admonition took the place of positive punishment; and in many cases, the nature of the precept was such that penalties were inapplicable.[5]

§ 23. Where, however, the sentence was not irrevocable, abatement was admissible in time of extreme peril; and the offender who was near unto death with his term of penance still incomplete, was not debarred from the spiritual comfort and succour which the sacraments of the Church might afford him; and the believer received the Eucharist, and the catechumen baptism.[6] A personal confession too was permitted to abridge the ordinary term of penance and suspension, being considered as a proof of genuine sorrow and repentance in the heart of the offender. But universally, saving these two exceptions, the sentence once pronounced seems to have been final; and a bishop restoring a penitent informally and irregularly, must have shown such laxity at his own peril.

§ 24. This sentence of permanent excommunication has not unnaturally been the subject of vehement and repeated discussion, the details of which cannot be given even in a brief summary. Gams, however, may serve as a fair representative of the hostile

[4] Elv. LII., and cf. 1 Tolet. XIV.
[5] Cf. Elv. XV. XIX. XXX. XLIII. LXXXI.
[6] Cf. Elv. V. IX. XI. XLII. XLVII. LXI. LXIX. LXXII.

critics who endeavour to impugn and invalidate the authority of a penalty inflicted in nearly one third of the synodical decrees.

He admits that this severity affords high evidence of the lofty character of the assembled clergy, but asserts that their policy was in advance of the national conscience, and that their rigour was new and unknown. The next step in his argument is to question the fact that the Canons were ever put into execution; for it is, he says, one thing to pass such decrees in the enthusiasm of a zealous and eager Council, and another to refuse communion to a dying man when he prays for it in his last moments: nor does history, he adds, supply any evidence that the rejection of such petitions was ever enforced. Even Hosius may have wondered, in listening and acceding to the prayers of the expiring penitent, how he could ever have introduced and sanctioned this departure from the customs of the universal Church; and all present must have known it to be a departure, and an unjustifiable departure too. For had not Cyprian, whose advice must have been familiar, admitted a fallen bishop to lay communion? And did not Innocent, in his letter to Exuperius in later times, indirectly censure the severity of the Council in imposing an unprecedented and unparalleled penalty in circumstances which could be paralleled elsewhere?[7] And in conclusion, Gams adds, the Council, as Innocent suggests, apparently seek to deprive the sinner, and certainly deprive themselves of eternal life, by their gross violation of

[7] Ep. vi. 2.

the precept, "Forgive, and it shall be forgiven you." Nor are we bound to believe that the merciless Canons were recognized in act by Spanish or by foreign bishops: they remained dead pages in the statute-book of the Church, which in its universal practice supplies us with the best clue to the issue of this particular case: what was done elsewhere was done also in Spain.[8]

§ 25. It is in this way that the historian, without adducing a single new fact to confirm his objection, seeks by probabilities and uncertainties to make good his position. What is the evidence on the opposite side?

In the first place, in 380 A.D., at the Synod of Saragossa, when seventy years and more had elapsed since the Convention, the same sentence was preserved in another form;[9] and though by the time of the Synod of Toledo it had fallen into disuse, this fact does not impair the validity of the remaining evidence.[1] Innocent himself, in his alleged censure would not have failed to mention so important a circumstance in support of his advice as the practical neglect, if such neglect had occurred, of an over-rigorous penalty. And Hosius, if wonder and repentance came to him at all over his part in the matter, must have had ample time and opportunity to wonder and to repent in his episcopal expe-

[8] Gams, vol. ii. pp. 28—30.

[9] Sarag. III. Hefele, vol. i. pp. 744, 745.

[1] Parænetícus, Bishop of Barcelona, 370 A.D., says of "peccata capitalia," "Hæc quicumque post fidem fecerit, Dei faciem non videbit." Gieseler, vol. i. p. 282.

rience before he induced the great Synod of Sardica to re-enact a sentence of equal severity.[2] We are not concerned to prove that the policy of the Synod was warranted by custom or by Scripture: it is the fact, and nothing more, that must be established. And Gams seems to forget that as Cyprian himself differed from the authority of Rome, so might Hosius differ from the authority of Cyprian. Then, finally, the sentimental rhetoric in which he obscures his weakness of argument, is hollow and evanescent. It was of personal offences and of personal forgiveness that the great precept was announced, and not of sins against God: those man cannot remit, and we may quote Cyprian against these false Cyprianists. For says the gentle bishop, "God alone can pity; He alone can forgive offences committed against Himself, who bore our sins. Man cannot be greater than God."[3] The severity may have had neither justification nor parallel; but in default of more satisfactory evidence, we are not justified in assuming that the individual members of the Synod annulled in practice the laws which they had conjointly passed; still less that Hosius—for Gams now advances still further along the same line—took the initiative in bringing the disciplinary system of the Spanish Church into conformity with the leniency of other lands.[4]

§ 26. While these historians deny the efficiency of the canonical laws, others impugn their orthodoxy; and the charge of Novatian heresy has again

[2] Sardica II. [3] Cyp. De Lapsis, c. xvii.
[4] Gams, vol. ii. p. 37.

and again been brought against the Synod. Thus, among modern writers, Herbst tells us that "even the Novatians did not go further" than this perpetual excommunication; and Herzog describes it as Novatianist in tendency if not in act.[5] Other critics and commentators unite in the same strain.[6]

Now with reference to the specific point at issue—this life-long excommunication which is asserted to have been common to the discipline of the Novatians and of this Spanish Council: the fundamental distinction between the position occupied by the one party and the other has been utterly ignored. The Novatians contended for the realisation of an ideal Church on earth, from which offenders of certain kinds were necessarily excluded, not as being past the reach of God's forgiveness, but because they were unfit to associate with His saints and to be members of His pure community on earth; and they denied the power of the Church to receive such, not the possibilities of the Divine Mercy. One who had sinned unto death was not to aspire to unite himself with "the communion of Divine mysteries on earth," but might still look for

[5] Herbst, Tubingen Theol. Quart. 1821, p, 25. Herzog, Real-Encyklopädie, vol. iii. pp. 775, 776. Cf. Lichtenberger, Encyclopédie des Sciences religieuses, iv. pp. 408, 409. "On en connait toutes les dispositions, elles sont impitoyables."

[6] Cf. Hefele, vol. i. p. 151, and Mendoza, l. c. p. 76. Natalis Alexander, Hist. Eccl. Sæcl. iii. xxi. propos. ii. pp. 666—668. Cf. Gams, l. c. p. 39; and Binterim, Katholik, 1821, vol. ii. pp. 417—444. Vid. Mendoza, l. c. p. 116. Migne, Dict. Conc. i. p. 813. Cf. Wetze and Welter, Kirchen-Lexicon, vol. iii p. 545: cf. pp. 543—547.

pardon to God, who has power and authority to forgive sins. [Note E.]

At Elvira, however, there is no reason to suppose that any abstract principle of the kind influenced the members of the Synod. They legislated on other grounds, not denying the power of the Church to receive back any offenders, but doubting the expediency of such a course; taking policy, in fact, not principle, for their guide. That they were not working out a Novatian system is clear from other Canons, which stand in direct antagonism to any such conception. They were free in their choice of weapons, and in many cases they preferred the heaviest in their possession.

On the other hand, the Synod of Elvira, unlike the Novatian, does not refuse to accept the baptism of Trinitarian heretics—if we may interpret the twenty-second Canon by the decrees of Arles and Nicæa.[7] A still stronger contrast is afforded by the comparative leniency with which the Synod punished adultery,[8] and by the restoration conceded to sinners at death. The principle of reparation admitted in cases of seduction would to a Novation have been intolerable.[9] The Novatians, furthermore, especially in those districts where they united themselves with the remnants of the Montanists, declared in the strongest terms against the freedom of second marriage; but this, though viewed with no favour, was not forbidden, and in some cases was

[7] Elv. XXII. Arles VIII. Nicæa XIX.
[8] Elv. XLVII. LXIX. LXXVIII.
[9] Elv. XIV. XXXI. LXXII.

even encouraged by the Spanish clergy.[1] The charge of Novatianism is entirely dispelled the moment that it is brought under close and detailed examination; and the only specific traces of Montanism occur in a single Canon.[2]

§ 27. But the real evils which attended such a disciplinary system are both graver and deeper than these; nor in an examination of this kind must they be suffered to pass without notice. For when the Church begins to compile a penal code, the inevitable tendency of the moral conscience is to dissever act from disposition; to transfer importance and attention from inward spirit to outward appearance. Evil is materialised in conception, and its true nature as alienation from the Divine nature and revolt against the Divine authority is forgotten, obscured under a mass of petty and irrelevant detail. For, once embarked upon such a policy, men, with or without Divine guidance, must set themselves accurately to determine the exact amount of punishment to be inflicted on each offender, must therefore take into consideration all the qualifying and extenuating circumstances of the crime—the position and the supposed intention of the agent, the gravity of the act, and any special danger arising from local or temporary conditions. But to develope a system which shall be flexible enough

[1] Elv. LXXII.; cf. Soc. H. E iv. 28, v. 21, 22.

[2] Elv. XXXIII.; cf. Elv. XLVI. Cf. Herbst, l. c. p. 84; cf. Herzog, l. c. If Elvira is Novatian on this account, so are many other Synods. Cf. Arles XXIII., Sardica II., Ilerda VI. 2 Toleto XI., 1 Cæsar Augusta III.

to adapt itself to the immense variety of human life and conduct, is an all but impossible task; and the distinctions which it entails and with which it cannot dispense, cease to be natural, and become arbitrary.

Throughout the Canons of this and other Synods, the artificial and conventional nature of the moral standard cannot but cause wonder and dismay. Sex, ordination, baptism, celibacy, consecration, are all points on which the most important moral distinctions are based. The woman is not punished as the man for an offence not only equal, but identical. What is venial sin in a layman or in an unconsecrated virgin, is intolerable when committed by one ordained to God's service or under vows of virginity. Catechumen and confirmed believer are set upon a different moral elevation. And what are we to say of such finely drawn distinctions as those discriminating the Flamen who has presented an offering and the Flamen who does not offer, but wears the crown of sacrifice; or even of the reparation admitted in some cases of immorality to alleviate and diminish the sentence otherwise imposed?[3] Even when the difference is more natural in kind, there is still the same careful casuistic measurement of the external elements of guilt, necessary, perhaps, in the legislation of worldly communities, but foreign and in direct antipathy to the true spirit of the Christian faith.[4]

[3] Cf. Elv. II. III. IV. LV. LXXII.

[4] Cf. Gieseler, Eccl. Hist. vol. i. p. 296. De Wette, Christliche Sittelehre, vol. i. §§ 174, 175. Baur, Hist. Christianity, vol. ii. pp. 266, 267.

§ 28. But while the moral sphere is arbitrarily and unnaturally divided and limited, the system produces consequences still more perilous in the distinctions which it creates between mortal and venial sins; sins which involve the utter moral and spiritual death of the culprit—so far as the judgment of the human Church can foresee—and those which do not. How and where the awful conception originated and developed, whether among the Montanists or elsewhere, and how it was transmitted from sect to sect, and from Church to Church, we need not pause to inquire. Among the clergy assembled at Elvira the distinction was fundamental, and they followed it out to its legitimate conclusions, discriminating between positive and relative sin. A false moral creed carries with it fatal consequences, and we can easily understand how this distinction between mortal and venial sin created and fostered an elaborate system of casuistry. For it must have given rise to a "natural anxiety to escape from determining a particular act to be mortally sinful," even in the absence of the pressure of any hostile force; but when once confronted by a system which had shaken off these fantastic impediments to faith, the difficulties of its position aggravated and intensified the existing natural tendency, and the conflict with Protestantism carried the Church still further in "attenuating the moral features of actions."[5] It was impossible to win the day when weighed down by such transcendent penalties; and as penalties were essential to the system, the sole resource

[5] Maine, Ancient Law, pp. 351, 352.

consisted in palliating and extenuating immorality by an elaborate method of ingenious and arbitrary criteria.

The advocacy and intercession of the "confessors," which seems before the time of this Synod to have been discarded, was undoubtedly a grave evil, and produced the most pernicious results. But even that superstition, which was in part the remnant of the old heathen hero-worship which converts brought with them into the Church, was less perilous than a deliberate attempt to obliterate the stain on the conscience. A sinner who secured restoration and forgiveness by virtue of vicarious sanctity, was liable to ascribe an excessive veneration to human excellence, and to forget the enormity of his own guilt. By unjustifiable methods his ideal of conduct might even be elevated and ennobled, and he might seek to emulate the courage and the consistency which could confer prerogatives so divine. But no such beneficent results could follow from a system which in its practical operation either blasted and annihilated the moral sense altogether by the terrible vengeance with which some sins were visited, or dulled the moral sensitiveness by a gradual process of plausible excuse and palliation. And though as yet the ultimate consequences of this pernicious policy were still far off, the seeds of the pestilence were already sown, to reveal themselves in later centuries, and to destroy the vitality of the Catholic Church, to alienate many of its devoutest souls, and to dim for ever its immemorial light.[6]

[6] Baur, l. c. pp. 268, 269. Gieseler, l. c. p. 297.

§ 29. This distinction between positive and relative sin, and the fine gradations of punishment which it entailed, had a larger share than might at first sight appear in determining the subsequent development, or rather corruption, of ecclesiastical discipline. At this period of Church life, offences, as Sir Henry Maine points out,[1] were viewed as "sins," that is, as offences against God, in contradistinction to "torts," the injuries inflicted on man.

The great legist does not, however, trace the effects of the false conception of sin to their ultimate issues, though the question is one of interest and of importance.

An essential and primary difference between these two forms of evil is, that while "sin" is absolute and invariable, wrongs against man admit of considerable variation in kind and in degree, thus admitting a corresponding variation in the penalties of retribution or reparation. Sin, on the contrary, cannot logically, from its very nature, be discriminated in any such way, and admits no gradation in its punishment. It is easy to understand how a false distinction of mortal and venial, positive and relative offences, led to a confusion and misconception, assimilating the sins against God with wrongs done to man, when the distinctive difference had once disappeared. And once started upon this line of thought, with a graduated system of penalties coordinated with the endless variety of offences, the Christian Church could not be saved from wandering further into error. For as wrongs against fellow-

[1] Ancient Law, pp. 371, 372.

men could be atoned for by compensation, it was not difficult to believe that offences against God could be dealt with in a similar way. Thus sin became "tort" with God for the aggrieved party; and the Church, as God's representative, received a fictitious indemnity as reparation. In this way faith became a question of munificence instead of morals.

§ 30. The methods and instruments of punishment were as dangerous as the conception of sin, and involved a flagrant misuse of the sacraments instituted by our Lord Jesus Christ. For whatever the essential nature of these sacraments may be, it is at least certain that they were never intended to discharge retributive or even reformatory functions. The very phrase of common occurrence in ecclesiastical writers,—"to arm with the sacraments,"—fills the heart with instinctive repugnance and antipathy. The Cross may "send a sword on the earth," but is not to be itself transformed into one. Yet to this use the institutions of Baptism and the Eucharistic communion were now applied, while the mystical associations which had gathered round these rites invested them with an almost magical significance. In fact, as Neander points out, men sought in Baptism "a magical lustration, which should render them at once wholly pure," [8] and this imaginary attribute led the Church to discriminate between sin committed before and after the administration of the baptismal rite, visiting with the most rigorous severity those who transgressed when temptation, as

[8] Hist. Christ. vol. i. p. 350.

it was imagined, should have had no hold upon them. Such a consideration induced many converts besides Constantine, who was probably influenced by different motives, to delay their baptism till the end of life, when they were passing beyond the reach of evil; while in other cases, as the proceedings of the Synod show us, the rite was postponed as a penance.[9] For those who fell into grievous sin after baptism found no second pardon; and in a special sense we may apply to their case the pathetic lines of a despairing poet of our own age,—

> "Ah! well a day! For we are most bereaved
> Of all the creatures under heaven's wide cope:
> We are most hopeless who had once most hope,
> And most beliefless who had once believed."[1]

Nor had the Eucharistic sacrament escaped a similar abuse. Though it had not yet been vulgarised to the level of the "obolus," which carried the soul of the dead across the infernal lake, it had suffered degradation in conception and in practice, and had been transformed into an instrument of law. To exclude the sinner was not in the fullest sense "to shut the gates of mercy on mankind;" but the act separated him from the sympathy and the society of the Church, and refused those who needed it most that mode of access to God which the penitent soul often finds surest and closest. Those words of infinite compassion, "In the night in which he was betrayed," which have given solace and strength to

[9] Cf. Milman, Hist Christ. vol. ii. p. 283.

[1] Clough, Poems.

many who have denied their Lord like Peter, or forsaken Him in His hour of need, like James and John, might have taught the Church a truer conception of the nature of the "Table of the Lord." True it is that the prodigal son in the parable makes one return and no more, but the prodigal soul may find its way to the Father even if it wander many times; and though the feast may be one of tears rather than of unmixed joy, the robe is never refused, and the Table is still spread; for God's ways are not as man's ways, and His mercy and long-suffering endure for ever. [Note F.]

Note A.—The order of the bishops to which Hefele and others refer, is of itself sufficient to demonstrate the falsity of their assumptions. Granted that Felix of Acci occupied his position as superior to other bishops, it is clear that Hosius, who stands next in the order of signatories, had no such title to pre-eminence. And where were the archbishops of the other provinces? Nor is it probable that when distinctions of this nature were introduced, priority in age or antiquity of foundation would have remained the criterion of precedence. Political importance must in the majority of cases have determined the Metropolitan See, especially when the Church entered into such intimate relations with the State.

Mendoza [Mansi, vol. ii. pp. 330, 331] stoutly contests this assumption of Gondalez Tellez. He is, however, taxed by Gams as tampering with the established text by the substitution of "episcopus primæ cathedræ" in place of the "prima cathedra episcopatus," which stands in all the nine MSS. collated by Gonzalez, and as attempting to foist primacy and archiepiscopate upon the system then prevailing in Spain [Gams, l. c. p. 117]. It is hard to see how the misconception can have arisen, for Mendoza—

(1) On the evidence of "vetusti et emendatiores codices"

prefers the reading "prima cathedra," Gams' own text, to "primæ cathedræ" [l. c. p. 330].

(2) He cannot, he admits, infer the existence of an archiepiscopate from the facts of the case, much as he would like to do so. Because (*a*) the order of signatures is against him, and (*b*) the scandalous case of Basilides and Martialis would not in that event have been referred to Africa [l. c. p. 331.]

(3) He would explain the Canon as advising a regular formal mode of procedure. Letters of commendation are not to be presented anywhere to the bishop,—e. g. at his country or private residence, "in villis," but at his official seat [l. c. p. 331].

Gonzalez points out that the distinction is really between the "cathedra sacerdotalis" and the "cathedra" of the presbyters, who, as in the Council, sat round the bishop. Though the bishop had not several seats, his was "prima" as compared with those in the parishes under his jurisdiction. Cf. Cennius, De Antiq. Eccl. Hisp. p. 54.

NOTE X.—ON CANON LIII.—After the death of Hosius, the Spanish Church was filled with irregularity and disorder through illegal intermeddling of the bishops with the internal affairs of other dioceses. Thus, as Gams points out, Priscillian became Bishop of Avila through the help of the heretical bishops, Salvian and Instantius [vid. Gams, vol. ii. p. 111, and for the case of Ithacius of Ossonoba, p. 368]. The scandal called forth many letters of advice and remonstrance, from Siricius to Hieronymus of Tarragona, A.D. 385; from Innocent to the Synod of Toledo, A.D. 400, and from Leo in A.D. 447 to Turribius of Astorga. [Vid. Innocent, Epist. iii. §§ 1—4. Restoration of heretics. § 5. Illegal ordination of bishops. § 6 Communion refused to a bishop. § 7. Other informal ordinations. § 8 Special complaint of Gregory of Emerita. §§ 9, 10. Qualifications and disqualifications for ordination. This letter deals with Church organization, and vi. "ad Exuperium," with questions of morality.]

NOTE B.—ON XXXVIII. AND LXXVII.—Nolte reads in LXXVII. "sub fide . . . quis crediderit" [l. c. pp. 313, 314]. Aubespine [pp. 83—86] explains that in such cases the offerings for the dead were to be received as for a man, righteous [iustus], yet not assured of eternal salvation. In XXXVIII. "navigantes" may refer to travel generally, and not limited to sea-

faring [cf. Gams, vol. i. p. 118]. Novatian's case well illustrates this and the preceding Canon [XXXII.]. (*a*) He was an "energumen," was exorcised, delivered, and baptised, but not by immersion [clinicus]; (*b*) he recovered, but was never confirmed; and (*c*) became a presbyter, secretly and informally. Cf. Euseb. H. E. vi. 43. Cf. Gams, vol. ii. pp 100, 101. Mendoza discusses the legality of baptism administered, (1) by an unbeliever, (2) by a bigamist, and concludes that the conditions set forth in the Canon are not essential, but merely preferable [l. c. p. 286].

NOTE C.—ON XXXIX.—(I) Aubespine [pp. 54, 57] and Mendoza [l. c. p. 287] interpret the Canon of Christians already baptized. Hands are to be laid upon them, and they are to become "perfecti Christiani." But (*a*) in this case the description, "gentiles" and "infideles," does not apply; and (*β*) there could be no possible hesitation to confirm them under these circumstances. Cf. Migne, Dict. Conc. vol. i. p. 823.

(2) Dr. Munchen [Bonner Zeitschrift, vol. xxvi. p. 80 foll.] interprets the Canon of those who are in the country districts. If they can call a bishop to their aid, they are to receive both baptism and confirmation at the same time. Cf. Hefele, vol. i. pp. 172, 173. He argues (*a*) that the Church was tender towards the sick, allowing the baptism of demoniacs, [XXXVII.] much more, then, of the sane sufferer. (*b*) The Church allows a layman to baptise in case of need [XXXVIII.], and therefore would allow confirmation if a bishop were present on board the ship. (*c*) The bishop inaccessible at sea is accessible on land, and hence confirmation and baptism are conferred together.

But (i.) the Church allows the baptism of the demoniac who has directly or indirectly professed a previous belief in the faith: this is the case of the hitherto unbeliever.

(ii.) "Fieri Christianos" cannot apply to the result of confirmation, for it is a more elementary stage in the Christian development; and if baptism at confirmation had been alluded to, other terms would have been used.

(iii.) There is no mention of the bishop at all, and the context points to the function of a layman.

NOTE D.—Cf. Acesius, a Novatian bishop at Nicæa, Soc. H. E. i. 10, *Οὐ χρὴ τοὺς μετὰ τὸ βάπτισμα ἡμαρτηκότας ἁμαρτίαν, ἣν πρὸ θάνατον καλοῦσιν αἱ θεῖαι γραφαὶ, τῆς κοινωνίας τῶν*

θείων μυστηρίων ἀξιοῦσθαι, ἀλλ' ἐπὶ μετάνοιαν προτρέπειν αὐτοὺς, ἐλπίδα δὲ τῆς ἀφέσεως μὴ παρὰ ἱερέων, ἀλλὰ παρὰ τοῦ Θεοῦ ἐκδέχεσθαι τοῦ δυναμένου καὶ ἐξουσίαν ἔχοντος συγχωρεῖν ἁμαρτήματα. And Novatus, in a circular letter, a parallel to this passage, adds: *τὴν δὲ συγχώρησιν ἐπέτρεπεν Θεῷ* [cf. Soc. H. E. iv. 28], in Gieseler, Eccl. Hist. vol. i. pp. 284, 285. Cf. Cave, Primitive Christianity, p. 375, "Whereas many of the ancient Councils [and the Illiberine Council especially] positively deny communion to some sorts of penitents, even at the hour of death, they are not to be understood as if the Church mercilessly denied all indulgence and absolution to any penitent at such a time, but only that it was thought fit to deny them the use of the eucharist, which was the greatest pledge and testimony of their union with the Church."

NOTE E (I.).—ON CANON XXII.—(1.) "Recurrerit," &c., must be understood to involve the renouncement of former errors. Cf. Nicæa VIII., which demands the confession and recantation of error in the case of the *καθαροί*. Cf. Mendoza, l. c. p. 209.

(2.) The second part of the Canon raises a difficult question in casuistry. Parents took their children to heresy, as some compelled infants to sacrifice. Whose was the sin? Cyprian, arguing from the Novatian position, admits the sin to be logically the children's, but says that their plea "we have done no sin," or "we, consciously, have offered no sacrifice," will be admitted in judgment. De Lapsis, ix. Augustine calls such parents "murderers" [Ep. ad Bonif. xcviii.]. He analyses Cyprian's apparent inconsistency, but misses the real point of reconciliation. It was the Novatians, not Cyprian, who believed that the "little ones lost what they had obtained in the hour of birth." The Apostolical Canons [LXVIII.] forbad the ordination of heretics, but the African bishops ordained them. Cf. Council of Hippo, XXXVII. Hefele, vol. ii. p. 59.

NOTE E (II.).—Expressions for reception to baptism: "ad baptismum," "ad fontem lavacri,"—"admitti," "recipi." Confirmation: "perfici," "manus impositio." Cf. Elv. I. IV. X. XI. XXII. XXXVII. XXXIX. XLII. XLIV. XLV. LXII. LXVIII. LXXIII. Excommunication: "abstineri, *ἀφορίζεσθαι, ἐκκόπτεσθαι τῆς κοινωνίας παντάπασιν, ῥίπτεσθαι ἐκ τῆς ἐκκλησίας*, reiici." Cf. Cave, Primitive Christ. p. 361.

NOTE F.—Canon LXXIV. gives no traces of an organised ecclesiastical court, established to decide or to examine certain kinds of cases ("convento clero"). The clergy would adjudicate as the representatives of the Church, and the bishop would prescribe the sentence, as he cancelled it, with the approval of the Church. It is noteworthy that there is no allusion to the grades of penitence in the Canons of Elvira.

CHAPTER III.

CHRISTIAN MORALITY.

§ 1. Sismondi, the famous historian of France, has distinguished three periods in the earlier history of the Christian Church, in which, he tells us, religion became successively a question of morals, of orthodoxy, and of munificence.[1] Obedience, belief, generosity; these were in turn the requisites of the first eight Christian centuries. There is a large measure of truth in this very broad generalisation from the facts of history, but it must be more precisely expressed if we would secure ourselves against misconceiving and misstating the exact nature of the first of these three stages—the one with which we are more immediately concerned. For though before long the conflicts of Eastern Christendom were to menace, and finally to confound, the peace of the Western Churches, at the time of the Synod of Elvira, there was little apparent cause for fear arising from purely doctrinal considerations. But when we say that at the beginning of the fourth century religion was still a question of morals, and that it "disciplined

[1] Sismondi, Histoire des Français, vol. ii. p. 50. Cf. Lecky, Eur. Mor. vol. ii. p. 229.

hearts and souls by the search for what was really beautiful and really good," morality at once extends its range beyond the ordinary limits of the term. For in the Christian, as in the Jewish code, are united the elements both of morals and of faith. The "Ten Commandments" have more than an ethical aspect; and the Canons of Elvira, in a similar way, though apparently dealing in many cases with ethical duty, involve questions and considerations of a deeper and more sacred interest. Under "morality," used in this connexion, and among its precepts, must be included the prohibition of false and idolatrous worship, either by direct or indirect compliance and sanction: but worship, whether corrupt or pure, is certainly in no sense a part of any ethical system, and can find no firm basis either in utilitarian or intuitional theories of morality. Religious truth—and this is necessarily involved in a definite religious worship—must be the result of a Divine revelation: only as a response to such an appeal is certainty assured, and only thus can strict compliance be demanded. "By searching" it is impossible to "find out" the true God; and if He would be worshipped by men, He must Himself reveal His nature: but revelation and the science of ethical obligation are fundamentally and entirely distinct.

§ 2. Nor is this all. For while the Christian code includes duties which lie beyond the province of ethics, and cannot possibly be determined by cognate methods, the sanction on which it rests is also of a characteristic nature: it is religious in

itself, and in all the methods of reward and punishment to which it has recourse. Often, indeed, the duty may not be necessarily religious, and might find a satisfactory foundation elsewhere than in the religious obligation; but to this motive the appeal is inevitably made. And when the law has been violated, though the secular power would take cognizance of the offence, the Church prefers to reserve its guilty children for its own punishment, and substitute exclusion from Church communion, loss of religious privileges, or spiritual death, for the fine, imprisonment, or capital sentence pronounced by the common law. Religion was mainly a question of morals; but morality has become assimilated to religion, and has lost its ordinary characteristics. The revelation of God in our Lord and Saviour Jesus Christ is the starting-point of Christian ethics; and by its source and origin the nature of the whole system will infallibly be determined. In what directions will its chief energy be exhibited?

§ 3. The two commandments which the Master Himself acknowledged as "greatest," involve two chief and central principles; the divine unity of God, and the natural unity of mankind. He claims our devotion and allegiance as His rightful due, and demands the affection of our spiritual nature without stint or reserve; and to our human brethren we owe the same solicitude and the same tenderness which we are apt to confine to our own personal interests and concerns. God is supreme, and is One; not to be humanised, and associated with the folly and frailty, much less with the vices of our kind:

nor, on the other hand, to be refined away into abstract and impersonal existence, etherialised beyond man's conception, and utterly removed from the reach of trust and affection; most degraded, in reality, when He seems to be most ennobled. He Himself demands our love and worship as a direct offering, without the intervention of any mediator save the Eternal Son; and when we shrink from that mysterious and awful Presence, and substitute image or altar, or by gradations of worship seek to ascend from earth to heaven, we violate the divine unity and the divine supremacy: when we confess other gods, endowed with other attributes, and set them in His stead by false worship or by idolatry, we are guilty of the darkest crime against the majesty of God, and of an impious disregard of the Supreme Love.

The same great law admits of a wider application; for the Divine Majesty may be outraged in other ways than by the misguided worship of fictitious deities. God is also Purity, as well as Love and Power; and those who would see His face must be themselves pure in spirit: to the impure in act or in thought the transcendent vision is denied. If idolatry is a heinous sin, impurity and immorality must be ranked in the same class: the one turns away from the divine Presence; the other repels it. And the Christian, conscious of his obligation "to be perfect, even as his Father in Heaven is perfect," and to reflect that image in his own life, finds another motive to the same end in the second commandment as well as in the first. Men are equal in

the sight of God, and are bound to recognise that equality. But, as M. de Pressensé nobly insists, "the same principle which vindicates the unity and the equality of mankind, secures purity also. Regarding every man as one of God's creatures, and one of Christ's redeemed, the Christian will recognise every man as a brother and an equal, and will not dare therefore to make any the mere plaything of his own pleasure, or to defile in him the image of the Creator."[2] The "Rights of man," if recognised in their truest and deepest sense, forbid all immorality as rigorously as they demand security of human life; and we can now understand how, at the earliest date, idolatry, incontinence, and bloodshed were co-ordinated as the deadliest of sins.[3] The tradition survived, and in later times the common opinion of the Church refused to these special offences the pardon and restoration accorded to other, and, as they thought, lighter sins.[4] Some authorities, it is true, inclined to a greater degree of leniency, but at this point the general boundaries were fixed, rarely to be transgressed.

§ 4. Our investigation may begin with the sin of Idolatry, though much of the detailed legislation connected with this subject will be more conveniently considered when we come to discuss the relations of the Christian to his heathen countrymen and to the heathen State. The broad principles

[2] Pressensé, Life and Practice in the Early Church, English translation, book iii. c. i. p. 349.

[3] Cf. Acts of the Apostles, xv. 29.

[4] Cf. Tert. De Pudicit. c. xii.

underlying the whole action of this and other Councils may, however, be concisely stated.

The first Canon of Elvira enacts that, "Any one, who after faith in the baptism of salvation, and being of adult years, shall have entered the temple of an idol [to commit idolatry] and shall have sacrificed—this being a capital offence, because it involves supreme guilt—shall not receive communion even at death."[5] From the operation of this law we are, I think, bound to exclude any Christians who had yielded under the stress of bodily torture during the recent troubles. Their fate had already been decided, and they would not be subjected to penalties imposed so long after the committal of the original offence. But now there was a brighter prospect opening before the Church, and no apparent cause to dread future persecution; nothing to suggest sinister misgivings: and in their precautions the Council left darker forebodings out of consideration. In this Canon at any rate, everything seems to point to an act of free choice, committed under no fear of force, and if prompted by any exterior cause, only by a cowardly fear of popular sentiment and social consequences.[6] [Note A.]

Having thus asserted the general principle, the Synod proceeded to enforce its provisions in other forms, adapted to the special modes of transgression which had been, or were likely to be, of most frequent

[5] Elv. I.

[6] Cf. Aubespine, p. 1, "Non autem in lapsos, qui timore perterriti, ipsismet cruciatibus, et suppliciis superati, et coacti idolis immolaverant."

occurrence; to the end that a less serious offence might not escape punishment altogether, nor yet be crushed under a sentence of undue severity, which would irrevocably doom the sinner to lifelong penance and exclusion from Christian fellowship. To determine all the motives which might induce the believer to forswear his fealty, and to incur the guilt of idolatry, would for the Synod, as for ourselves, be utterly impossible; but we shall hardly go far wrong if we assign considerable weight to the social influence—that instinct which leads a man, rightly or wrongly, to associate himself with others, to accept their conventional standards of thought and action, yielding an external compliance, if nothing more, with the dictates of popular sentiment. The variation of which this force is capable is a fact too apparent to require illustration; the same motive may keep a man a heathen in one age, a Christian in another. In either case he avoids incurring the hostility and the resentment provoked by independent action; or if his nature be a weak one, seeks in the common consciousness to submerge his individual feeling of self-reproach: fear and affection stand combined in a strange union.

§ 5. Considerations of this kind might lead some, and the revival of outworn superstition others, to return to the customs which they had once abandoned; and though the convert might refuse to enter an idol temple to offer sacrifice in his own behalf, on days of special sanctity in the pagan calendar he might still accompany his kinsfolk and friends to the public offering in the sacred precincts

of the capitol. For every colony was a miniature copy of Rome itself; and in the provinces, the surroundings of the imperial city would be studiously copied, and its titles faithfully reproduced.[7] The existence of these local "capitols" throughout western Europe is attested by ample evidence. In Spain the citadel generally contained the temple of Jupiter;[8] and even in towns possessing no local eminence of the kind, the Roman "Capitol," and the "Clivus Capitolinus," would justify the same technical use of "ascendere" as the verb of approach. In Rome, as in Jerusalem, the people "went up" to worship; and in lowland cities, in thought if not in fact, they did the same.[1] [Note B.]

It is clear that the fifty-ninth Canon[2] prohibits even the catechumen[3] from giving this indirect sanction to idolatrous practices by his presence. To do so in time of persecution would, as Mendoza suggests, place him on the footing of those who concealed their faith and procured false certificates of immunity from the magistrates, for between the written document and the general supposition thus induced no possible distinction could be made. The guilt of subornation and of simulation is in this case equal, if not identical.[4] The gravity of the offence

[7] Cf. Aulus Gellius, xvi. 13.

[8] Cf. "Exin læti Capitolium scandunt, deosque tandem venerantur." Tacitus, Ann. xiv. 61.

[1] Cf. Cicero, Ad Att. ii. 1, 7, and Livy. iii. 18.

[2] Elv. LIX.

[3] The catechumen here has the distinctive name of "Christianus" as contrasted with "fidelis."

[4] Mendoza, l. c. p. 333.

may be inferred from Tertullian's solemn imprecation, "If I enter the capitol, or the temple of Serapis, for worship and sacrifice, may I be cut off from God!"[5] In times of peace and security, as a concession to popular and social prejudice the act would be as despicable as it was faithless. It is noteworthy that both the great African leader and the Fathers of Elvira, with the most precise care attach the supreme consequence to the motive, and not to the external act. The temple even of a heathen god can transmit no stain; and in stones and timber, and the air and space they enclose, there is no taint. The sin consists, not in "going up to the capitol," but in so doing "as a pagan," and "to assist at the sacrifice;" presence without purpose is unessential. At first sight this distinction seems to have been ignored by the "Council of Ancyra,"[6] where indiscriminate condemnation is pronounced against those who during a heathen festival seated themselves in the place set aside for the heathen, and brought their own food to eat there. But in this case only one motive was conceivable—the duplicity and hypocrisy of cowards, who to save a morbid conscience "abstained from things offered to idols," whilst they feigned to offer their own selves to the false deities which they had renounced and abjured. The qualifying provision was quite unnecessary.[7]

§ 6. While the general tenor of the Canon enacted at Elvira is plain, the details admit of a considerable

[5] "Si Capitolium, si Serapeum, sacrificator et adorator, intravero, a Deo excidam." Tert. De Spect. c. viii.

[6] Anc. VII. A.D. 314. [7] Cf. Hefele, vol. i. pp. 228, 229.

latitude of interpretation. Most authorities are content to suppose that, while the punishment to be inflicted upon the guilty catechumen is not defined, the fully recognised believer is to be suspended for ten years, on the ground that complicity is as much a sin as participation, and to look on as bad as to sacrifice. But while in itself the crime is the same in the one case as in the other, the penalty is relaxed on account of the extenuating circumstances, and the lifelong exclusion of the first Canon is lowered to a decade. Dr. Nolte, on the other hand, by a slight change in punctuation, altering one conjunction and interpolating another,[8] interprets the Canon in a very different way. If a catechumen goes to the capitol like a heathen to offer, or as a spectator, regarding his offence he is on the level of a believer. He is not, however, to be cut off for his entire life,[9] but may have his offence condoned after ten years. This would involve a vital distinction between the punishment inflicted on those waiting for admission into the Christian Church and those already within it, quite in keeping with the general principles adopted in the canonical code; whether the changes in the text entailed by such an interpolation be too violent or no, the individual judgment of the scholar must be left to decide. The gravest cause for hesitation consists perhaps in the localisation of the idolatry in the special case of the catechumen only; but this indirect idolatry *en masse*

[8] Aut for et; ac si for si: pari crimine teneatur ac si fuerit fidelis. Tubingen Theol. Quart. 1865, p. 312.

[9] Cf. Elv. I.

would in his case be most easy, and to him a most specious temptation.

§ 7. One of the most degraded forms of idolatrous worship, the apotheosis of the emperor, was not directly alluded to in the legislation of the Council; and if we are right in assuming its date to be subsequent to the accession of Constantius to supreme power, there was every reason to justify this prudent and cautious policy. At such a critical moment a single word which might have given rise to suspicion, or have awakened the resentment of the new rulers, would have been folly amounting to crime. In case of need, there were other means of checking the practice without even the appearance of an insult to their former friend and protector. But it is only too certain that this evil superstition was deeply ingrained in the national character; and even the few meagre inscriptions surviving from the ancient Elvira show a preponderance of evidence for this hypothesis. Out of four, two contain the ascription of divine honours to the human sovereign.[1]

The custom had its rise in the superstitious veneration with which the nations of the East regarded their kings; but the sentiment which might pass for reverence in Persia was mere abasement at Rome. Rejected there by the finer intellect of the empire, and confined to ambitious courtiers and the ignorant crowd, it was in southern and western Europe that the system found adherents. In Egypt, however, a land always remarkable for an unparalleled range of intellectual and moral life, sinking into the lowest

[1] Cf. Mendoza, l. c. p. 59.

depths of a sensuous animalism on the one side, and rising to a faith of ideal purity on the other, the practice was congenial to men of the grosser and baser type. And in Spain, as in Rome, the marks of this influence may be clearly traced: it stamps society with servility and superstition. These wandering foreigners gave to the West its most unscrupulous citizens and its basest deities. The Council, when it prohibited idolatrous worship, did not except this cult from its sentence.[2]

§ 8. Other enactments, similar in aim, will occur in the course of this essay; and it will appear that in public as in private life, as landlord and as master, the Christian was bound to avoid complicity with the sin of idolatry in all its various forms.[3] He might not, directly or indirectly, associate himself with the idolatrous rites as a civil or religious official; he might not connive at sacrifice in his behalf by defraying its expenses; his slaves, if he could stop them, were not to keep idols; and his wife was not to lend her household stores for adorning any idolatrous procession. In the strictest and most literal sense of the precept, he was to "guard himself from idols." No care, no precaution was to be neglected. One provision, and that of no secondary importance, was not formally enforced by the Synod, though its import would have received universal recognition—that no Christian should derive gain

[2] Cf. Renan, Les Apôtres, p. 306, "Sa divinisation en son vivant;" Tacitus, Ann. iv. 55, 56; and Lecky, Eur. Mor. vol. i. p. 178. Cf. De Broglie, L'Église et l'Empire Romain," vol. i. pp. 52, 53. Cf. Cennius, De Antiqu. Eccl. Hisp. pp. 63, 64.

[3] Cf. Elv. I. III. IV. XVII. XL. XLI. LV. LVI. LVII.

from an idolatrous calling. That some such cases occurred, where a professed Christian gained a livelihood by making or adorning the objects of idolatrous worship, is clear from the reply of Tertullian to the flimsy sophistries which were advanced against the prohibition. Some men excused themselves by a subtle distinction between art and faith. "I make them," such an one would say, "but I do not worship them." The retort is irresistible: "Verily thou dost worship them, and that not with the spirit of any worthless savour of sacrifice, but with thine own; not at the cost of a life of a beast, but of thine own .... Thou makest to them the offering of thy mind: thy sweat is their drink-offering; for them thou lightest up the torch of thine imagination."[4] Those who contracted for the victims, those who sold incense, those who collected the temple revenues, were all exposed to the same condemnation; and in it were involved all who practised the illicit but lucrative arts of divination, astrology, and magic. If the convert could not support himself without recourse to such occupations, the Church would keep him, as it kept actor or jockey, from starvation. Whatever might be the issue, this was certain, that the Christian was to be the servant of God, not on one day, but on seven; in business falsely called secular, as well as in the worship acknowledged as sacred; his entire life was to be an anthem of harmonious praise, unmarred by the discord of sin.[5]

[4] Cf. Tert. De Idol. vi. vii. viii.

[5] Neander, Hist. Christ. [Bohn] vol. i. pp. 363, 364; cf. Laodicea XXXVI. Hefele, vol. i. p. 770.

§ 9. That the decrees of the Council were not entirely successful in checking idolatrous practices is matter of certainty; nor would it be reasonable to expect the ecclesiastical law to do what the edicts of Constantine and Theodosius failed to achieve, though acting over a wider range, and enforced by penalties more effectual with the mass of mankind than the displeasure and censure of the Church. In later Spanish Councils it proved necessary to re-enact similar statutes against this class of offenders, and to rebuke in the severest terms the laxity and the indifference of bishops and their subordinates, who neglected to seek out and punish those guilty of idolatrous worship.[6] At the same time, among a people still in the darkness of heathenism, it was inevitable that the Christian community should suffer in some measure from the surrounding contagion. But while the heart of the Church kept true, the evil would be comparatively small, and confined to the weaker elements. How far the Synod was in advance of the general spirit of the age, it is not possible for us at this distance of time to judge. Legislation, though it depends for its efficiency upon popular feeling, in some degree shapes and moulds it; and the principle that any share, however slight, in the rites and worship of heathenism was for the servant of Christ a deadly sin, must have been part of the universal conscience of the Church from its very foundation.

§ 10. The intense horror with which the Christian Church regarded murder has already been traced

[6] Cf. 3 Tolet. XVI.

to its original source in the recognition of the unity of mankind, and in the consciousness of the eternal destinies of every human soul. To put a sudden close by violence or by fraud to another's life was to assume the prerogatives of Heaven; perhaps, to destroy his chance of eternal salvation, and to doom his spirit to ages of infinite misery. The fundamental conception was sound, if some of its applications were invalid. At Ancyra wilful murder was punished with life-long exclusion from the privileges of communion; while, to secure self-control and care in times of provocation or danger, unpremeditated homicide entailed a penalty of seven or five years' duration.[7] At present, the artificial distinctions which developed in later centuries between the murder of a cleric and of a layman, were absolutely unknown; no less than the graduated system of fines which obtained in other parts of Europe.

§ 11. The sanctity with which human life was now invested by the public opinion of the Christian Church finds a strong illustration in the attempt to grapple with the evils of abortion and infanticide; sins which had already met with condemnation, severe indeed, but ineffective to check or to deter. How widely the former of these loathsome practices had permeated the society of the later Empire, and the terrible depravity of morals by which it was accompanied, are facts only too familiar to those who study the Roman satirist and historian. In a state now teeming with urban population, many motives

[7] Ancyra, XXII. XXIII.

combined to develope this special evil. To unchastity itself there now attached no disgrace sufficiently intense to prompt to crime, but selfishness proved as potent as dishonour. Some mothers to avoid the cares of family duty, and others to escape pain, personal disfigurement, and loss of beauty, sought relief and deliverance in the drugs of the physician, who now had but too wide a field for perfecting his skill in this detestable art.[8] Mr. Lecky has collected from various sources a large mass of facts connected with the subject, but there is no sufficient reason for selection and reproduction. The crime was a glaring blot upon the morals of Roman society, and the fact that some resisted the almost universal degradation brands with a deeper stigma those who systematically and heartlessly outraged both human and divine law.[9]

Infanticide must stand in the same category; for there is no essential difference between the destruction of human life, existent though unborn, and the same act committed when the sentient embryo has developed into the living child. But both in Greece and in Rome, the practice, though limited by legal restriction, was habitual; and even the limitations, scanty as they were, admitted an easy evasion. Whatever may have been the case of infanticide, exposure was certainly no offence in the eye of the law; and it was practised, says the historian of European Morals, "on a gigantic scale, and with absolute impunity, noticed by writers with the

[8] Cf. Juvenal, vi. 592—595; and Sueton. Domit. xxii.

[9] Cf. Lecky, Eur. Mor. vol. ii. pp. 22—26.

most frigid indifference; and, at least in the case of destitute parents, considered a very venial offence."[1]

Without detailed investigation into these sources of corruption, it is patent that between the practices of heathen society and the Christian conscience, there was the most pronounced and vital antagonism. For one who accepted the great precept of Jesus Christ, that a man must become as a "little child," to enter the kingdom of heaven, and believed that in the heavenly order the child-like spirit held the first and noblest rank, it was an impossible act of cruelty and of sacrilege to abandon to the mercy of a careless world the offspring which he had learned to consider as the very gift of God; while at the same time, as his religious teachers would not fail to impress upon his mind, to slay the unborn child was to destroy eternally the soul uncleansed by baptism: such magical efficacy was by this time attributed to the visible sign and symbol of divine purification. In after-ages the charity of the Church was destined to manifest itself in asylums of refuge for those whom misfortune or crime had cast out, that they might be rescued from misery or death; and even within a few years after the Council, the civil authority, prompted by the Christian spirit, was to inaugurate this work of tender, even if misguided and impolitic, mercy. At present the Church could only act by means of this prohibitive legislation, and through private generosity: time was needed

[1] Cf. Lecky, Eur. Mor. vol. ii. pp. 29—30; and Schmidt, La Société Civile dans le Monde Romain, pp. 56—58.

for developing and organising its work of beneficence.[2]

In this spirit the Synod of Elvira enact, that a female catechumen who destroys the fruit of her pregnancy, shall not receive baptism until the end of her life;[3] while a woman who conceives in adultery during the absence of her husband, and destroys her offspring, thus combining adultery with murder, is condemned to the corresponding and equivalent punishment of permanent exclusion from communion.[4] The penalty imposed varies, however, at different times and in different places. Thus at Ancyra, sin entails a penalty of ten years, and at Ilerda,[5] of seven; but the conscience of the Church remains constant. At Ancyra there is apparently a similar penalty imposed upon those who contribute to the miscarriage; but the expression is vague, and admits of considerable doubt as to its genuine interpretation. That infanticide and abortion are severely punished by the Canon, is all that we can confidently affirm.[6]

[2] The first of Constantine's edicts against infanticide dates from the year of his conversion. It was extended from Italy to Africa in 322 A.D., and received subsequent additions and modifications in the years 329 and 331. His policy was in the main to protect infant life, (1) by affording assistance to destitute parents; (2) by granting rights of salvage to the charitable, and cancelling all parental rights over the child thus exposed. Cf. Cod. Theod. xi. 27, l. ii.

[3] Elv. LXVIII. [4] Elv. LXIII.

[5] Ancyra XXI.; Ilerda II.

[6] (i.) For "geminare scelus," cf. Elv. II. (ii.) In Ancyra, XXI. the words in question are: καὶ τούτῳ συντίθενται. Some commentators supply, τινες: i. e. "And some agree with this"—

§ 12. Of the sin of murder, in its simplest and most unqualified forms, there is no direct mention at the Synod, except in the Canon punishing murder contrived by magical arts.[7] Indirect reference, illustrating the gravity attached to the crime, may be found in the clause where "homicide" is co-ordinated with idolatry and incontinence.[8] The same motive inspires the prohibition of the sixty-second Canon, directed against all participation in the cruelties of the arena and the allurements of the stage.[9] The Canon specifies the comparatively innocent occupations of the charioteer and the pantomimist, concerning which there might have been room for doubt, in the case of the gladiator, beyond the reach of possibility; for even to sit on the benches of the circus, is to be guilty of the blood shed in the arena.[1]

The barbarous conflicts of the arena had their first origin in the ancient human sacrifice offered to the Manes; and the institution was preserved by the Roman nation, in its days of military greatness as an effective school for courage, in its degeneracy to satisfy the corrupt passion of a cruel and degraded mob.[2] The excuse sometimes advanced in palliation of these monstrous horrors, that only condemned

that there is good authority for the severity shown in the permanent exclusion of offenders. Others insert *αἱ*: i. e. "and those who contribute to this"—those who are accessories. Cf. Hefele, vol. i. p. 240, and Routh. Rel. Sac. vol. iii. p. 447, there quoted. Cf. Mansi, vol. ii. p. 519.

[7] Elv. VI. [8] Elv. II. [9] Elv. LXII.

[1] Cf. the authorities quoted by Schmidt, La Société Civile, p. 250; and for the actors, ib. p. 98 foll.

[2] Lecky, Eur. Mor. vol. i. p. 287.

criminals engaged in the sanguinary combats, is at once fictitious and revolting. It is, as M. Renan says, one of the most hideous characteristics of Roman morals, that punishment was transformed into a public festival and entertainment, while the amphitheatre became the place of execution, and the tribunal supplied the arena.[3] Even if the fact here assumed, had been invariably the case, this is no justification of the practice. To condemn the offender, as a punishment for homicide to kill a second of his fellow-creatures, is but to add crime to crime.[4] Even when man was matched with beast, a terrible sacrifice of life was an event of no rare occurrence; and when the contest lay between professional combatants and rebellious slaves, or captive prisoners, the scene was one of barbarous and unmitigated butchery.

At the present time, or a little earlier, these encounters had been universal throughout the Roman empire. In Rome they were common, and in Thessaly:[5] in Spain, admirably adapted as they were to display the bodily dexterity in which the Spaniards surpass other nations, they had almost reached the height of a national institution. Money for such exhibitions was often bequeathed, to honour the memory of the dead, and municipal authorities were made responsible for its proper expenditure;[6] the custom, though repressed under the sway of

[3] Renan, Conférences d'Angleterre, p. 87.
[4] Cf. Tert. De Spect. xviii. xix.
[5] Cf. Sueton. Claud. xxi., and Pliny, N. H. viii. 45.
[6] Cf. Masdeu, viii. 49; Coll. 438. In Gams, vol. ii. p. 45.

the Goths, was restored by the Moors. To this thirst and craving for bloodshed, the Spanish Church offered a prolonged and stubborn resistance, ineffectual, however, to subdue the fierce passions of the nation.

§ 13. Lecky, in his "History of Rationalism," does scant credit to the exertions of the Church to put an end to these scandalous cruelties, though in his main proposition, that the activity of the Church in this cause was due to no tenderness for animal suffering but to an exclusive regard for human life, he is undoubtedly correct. It is undeniable that the new reverence with which the human soul was now invested by the revelation of its august dignity and awful danger, for a time submerged and obliterated that kindliness for the animal creation which characterises part at least of the Old Testament Scriptures. The same spirit may indeed be traced in the Gospels, but the more brilliant radiance fascinated the entire attention of the early Church, fixing its thought exclusively on the relations of human existence to the Divine. It was but after a long interval that the lowlier duties of man towards the living creatures of the earth were again recognised and asserted.[7]

But from comparatively early times the leaders of the Spanish Church had made strenuous protest against all these forms of barbarity, and against the national sport of bull-fights in particular. From the pulpit, and through the press, when such appeal

[7] Lecky, Eur. Mor. vol. ii. p. 183 foll., and notes on p. 185. Cf. The History of Rationalism, vol. i. pp. 331—334, and notes.

became possible, bishop and priest made their plea, leaving no opportunity unemployed. Even in his great history of the Spanish Councils, the Cardinal Saenz d'Aguirre, with intense fervour, inveighs against the brutality of exciting beasts to attack men, and insists that the death of those who fall in this murderous pastime, is directly attributable to those who encourage its continuance by their presence and applause.[8] Mendoza unites his advocacy in the same cause;[9] and Gams, the latest historian of the Spanish Church, follows in his turn, supplying new evidence of the disastrous consequences of this formidable institution. Even in the present century, he tells us, on two occasions, at an interval of forty years, in 1812 and again in 1852, four lives were sacrificed in the arena, and at other times the tale of victims has not failed; to say nothing of the countless cases in which health and strength have been permanently impaired, and the unfortunate "matadore" crippled and maimed for life. On Minutoli's authority, he details some of the barbarities to which the contest between clergy and people over this custom has led, and cites the case of Barcelona, where, as late as the year 1835, the mob, in disappointed rage, attacked the monastery to burn cloister and monks together.[1] The Church, if it neglected its duty to the animal creation, did not forget its responsibility towards man. Perhaps the conception of the duty was incom-

[8] Aguirre, vol. i. p. 670. [9] Mendoza, l. c. p. 350.

[1] Minutoli, Altes und Neues aus Spanien, ii. pp. 71—122. Gams, vol. ii. pp. 126—128.

plete, but the answer to its call was prompt and resolute.

§ 14. It is, however, impossible for a Church to be always in advance of the times; nor can it always struggle so boldly against the vices and iniquities of the social system. To censure the early Christians because they did not at once initiate a crusade against slavery would be a gross injustice. Such a movement at that period of time would have shaken the very foundations of the Empire, and the disorder which must have ensued would have destroyed both Church and State in one and the same chaos.

Revolution, if successful, would have been the beginning of portentous evils; and, if crushed, would have entailed the blind and merciless barbarity which always follows upon panic. Other forces, too, were at work, tending to ameliorate the condition of the servile population, without a sudden break in the social order; and these humane tendencies, and the improvements which they introduced, even if "they began in principles which were of Stoical rather than of Christian influence," were at any rate "quickened by the influence" of Christianity.[2] All that the new faith could wisely do was done; the Church itself, in life and in death, recognised no difference between the Roman citizen and the slave whom the wisest of Greek philosophers, without prejudice or passion, set down in the category of implements, attributing to him so different a grade of life from that of the free man,

[2] Maine, Early History of Institutions, p. 63.

that between the two the bond of friendship was as impossible as between rational and irrational beings.[3] But in this new community they might sit at the same table, and on the rough monumental stones above their tombs there was nothing to recall the distinctions of human inequality. "While it is impossible," says De Rossi, "to examine the pagan sepulchral inscriptions of the same period without finding mention of a slave or a free man, I have not met with one well-ascertained instance among the inscriptions of the Christian tombs."[4] Nor was the Christian master regardless or ignorant of his responsibility towards his slaves, and of his obligation to treat them with a humanity and forbearance surpassing the virtues of his unconverted neighbours. In some cases, indeed, the master might learn from his slave the laws and the promises of the Christian life; for though by the Canons of this and other Synods, the ordination of slaves, sometimes even after emancipation, was prohibited,[5] there is abundant reason to believe that the enactments were subsequently evaded and disregarded; nor would they check the informal ministrations and the unofficial teaching, which in the wild country districts cannot have been unfrequent or ineffectual.[6]

[3] Aristotle, Nic. Eth. viii. xi. 6

[4] Boll. di. Arch. Crist. 1866, p. 24, in J. B. Mullinger's article, s. v. "Slavery." Smith and Cheatham's Dict. Christ. Antiq. vol. ii. p. 1092 foll.

[5] Elv. LXXX.

[6] In Canon XIX. there is a significant allusion to the decadence of slavery. The cleric is to send, not a slave, but a

§ 15. All unnatural relations between men, though their consequences may be avoided for a time, avenge themselves at last; and this special case proved no exception to the general law. Where disobedience provoked passion, or fear prompted to cruel repression; when the law exacted its rights over the household of a master on his trial—before the system of torture was swept away—no personal amiability could withstand and counteract the pernicious and essential evils of the social institution. Still less could the virtues of one slave-owner compensate for the vices of another, and the self-restraint of the individual correct the habits and impulses of the class. At Elvira a special instance of this kind occurs, illustrating the actual state of the slave even under Christian ownership, and the caution which the Church was compelled to observe in dealing with offences of the kind.

Against the masters there seems to have been no cause of complaint, if we can judge from the absence of any enactments dealing with their conduct; but it was necessary to restrain by law the cruel indignation of the women. Some of them, bitterly resenting the infidelity of their husbands,

freedman ["libertus"] to transact his business outside the province, or a hired man [mercenarius]. The clergy then no longer had slaves, as a rule, but only the laity. Cf. Gams, vol. ii. p. 73.

Baur [Ch. Hist. vol. ii. p. 243] shows how the Christian spirit taught society to treat the individual no longer as "a means for the general ends of the whole," and to "regard the human dignity even of the lowest and weakest."

wreaked their vengeance on the slave-girl who had dared to usurp the rights of her mistress, and under the lash some of the wretched victims suffered immediate or a lingering death. The Fathers of the Church were fully conscious that the death of a slave by violence was as grave a crime as that of a free man, but they could not outrun popular sentiment so far as to make an offence committed under such provocation an act of murder. If a ringlet set awry, or a clumsy touch in arranging the mass of hair, had fired the unreasonable fury, then no other course would have been open to them; but here the cause was less trivial, and a severe, though not an excessive punishment, was necessary for correction.[7] [Note C.] Following the parallel in the Pentateuch, they fixed on a term of three days[8] after the infliction of the punishment, to determine the real cause of death. If the slave expired within this time, and intention could be proved against the mistress, she was to be excluded from communion for seven years, otherwise for five, due penance accompanying the excommunication.[9]

Constantine, in a letter to A. Maximianus Macrobius, asserts as a general principle that such accidental homicides are not to be considered as criminal,[1] and with his view the latter part of the Canon stands in apparent contradiction. But the

[7] Cf. Ovid, A. A. iii. 239, 240.

[8] Exodus xxi. 20, 21. [9] Elv. V.

[1] "Culpa nudi sunt, qui dum pessima corrigunt, meliora suis adquirere vernaculis voluerunt." Cod. Theod. De Emend. Serv. ii. Cf. Gonzalez in Aguirre, vol. i. p. 378—380.

accident arising from heedlessness, in the absence of premeditation, is thus punished, not exactly as a crime, but to ensure a larger measure of precaution and self-control where passion was likely to lead to these disastrous consequences. And in this way, though the slave is not yet restored to his true position as a rational human being, some care at least is shown on his behalf.[2]

§ 16. There was one more phase in which the same sin of murder might appear, consisting not in an act of violence that broke the law and set it at defiance, but in the abuse of its processes by perjury and deceit, and in perverting the sword which should have been a terror to evil-doers into an instrument for the destruction of the upright. Even when life was not endangered by such malignant attacks, reputation and property might suffer; and were the charge disproved, it would often be a difficult task to apprehend and punish the false accuser, especially where the accusation was of a political nature, and alarmed prefects trembled lest they too should be charged with conspiracy against the imperial power, or with undue indifference to the honour of their sovereign. By such an accusation, supported by testimony as false, it was possible to do the work of rapier or potion with more certainty and more security; and the offender, by methods less clumsy than the cut-throat's, filled his purse with rapidity and ease. Under previous emperors, such as Nero, the trade had been a

[2] Cf. Mendoza, l. c. pp. 146—150, and Lecky, Eur. Mor. vol. ii. pp. 66, 67, and 71.

prosperous one, for the "delator" was rewarded with a quarter of the confiscated estates,[3] amounting in particular instances to an enormous sum. If only the guilty had been accused, it would have been a lucrative undertaking; but the infamous "Frumentarii," into whose hands this business had fallen of late years, chose their victims with tact and care. As the privileged spies of the empire, and being employed in other secret business, they had unusual opportunities for acquiring an intimate knowledge of each man's position and circumstances; and the information thus obtained was utilised to the most degraded ends. A regular system of espionage and denunciation was organised, and the band, having risen almost to the dignity of a class, lived by mutual protection, and were not seldom befriended and shielded by high officials, who found in them the convenient and willing instruments of ambition or enmity. In Spain, Gaul, and Syria, by threats of denouncing rich citizens as accomplices in imaginary conspiracies, they extorted immense sums of hush-money from rich and noble families.[4] Constantine did his best to put them down, but before long the same characters reappeared in a new dress, and under another name, now charged with the nominal care of the public conveyances, and known as "Veredarii." No stronger argument

[3] Hence the term "Quadruplatores." Cf. Tacitus, Ann. iv. 21. Cicero. Div. in Cæcil. cvii. Livy, iii. 72, "Populum Romanum quadruplatoris et interceptoris litis alienæ personam laturum."

[4] Cf. Burckhardt, Constantine, pp. 73, 74.

could be alleged in support of Aristotle's plea, that all fines and forfeits should go for religious purposes, relieving individuals and the State from all motive to accuse or to punish undeservedly, than the iniquities of the judicial system of the empire.[5]

§ 17. A Christian who played the part of informer, and secured the conviction and execution of his victim, was irrevocably excommunicated: if the charge was less grave, and did not affect life, the believer was suspended for five years; or, in the case of a catechumen, baptism was deferred for a corresponding period.[6] But the Church did not stop at punishing the chief instigator: it was essential that his tools and instruments should be treated with similar rigour; and the Council, in the case of a capital charge, put the witness on the level of the informer: otherwise, he was to be suspended for five years from communion and its privileges. It might, however, happen that the witness acted against his will, and under strong personal compulsion or fear; and if he could prove this in the recognised ecclesiastical court, his term of punishment was to be diminished by three years; though to mark the disapprobation of the Church with his conduct in not resolutely holding his peace at all costs, the penalty was not altogether remitted.[7] The Church, unwilling at all times that the Christian should appear in the civil courts, or that he should inform even against the guilty, was bound to visit

[5] Aristotle, Pol. vi. 5. [6] Elv. LXXIII.

[7] Elv. LXXIV. Cf. Zeitschrift für Kathol. Theol., Wien, 1856, pp. 38—43.

with its censure those who associated themselves in an unjust cause.

There can be no doubt but that the same principle applied not only to secular but to sacred matters, and that false charges laid in an ecclesiastical court incurred commensurate severity. At Elvira it is enacted that any one who falsely accuses any of the superior clergy, is to be excommunicated for life,[8] while at Arles[9] the same sentence is passed on all those who falsely accused their brethren; and though from the context it is clear that the Canon specially refers to the charges made against the clergy of betraying the sacred books and vessels, or even the names of the faithful—a great offence, and severely punished[1]—the enactment will also bear a wider sense without any undue strain. In the case of the clergy, their rank and character would aggravate their loss and suffering, and, consequently, the guilt of a charge falsely prefered against them. In the moral and in the social life of the community, this sin of denunciation and false testimony might well prove unto death; and it was essential to punish it accordingly. [Note D.]

§ 18. The last of the three great evils which the Church had to encounter was the sin of unchastity, always deeply rooted in human nature, and at this time, through the utter debasement of Roman morality, as foul as it was inveterate. There can be no sufficient reason for prying into the putrid heap of corruption which the perverted genius of classical

[8] Elv. LXXV. [9] Arles, XIV.

[1] Cf. Ancyra, IX., and Arles, XIII.

literature has stereotyped for all generations to come, or for tracing the development of national coarseness into the most infamous vice under the contagion of foreign immorality. There was no form of impurity which imperial Rome left untouched; none which she did not contaminate and degrade. No other cause was more effectual in producing the final collapse under the barbarian invasion than the utter rottenness of society; and to it the historian may attribute the defeat of the Spaniards, once the flower of the Roman legions, by the purer and stronger tribes of the Goths.

For the Church the problem was one of the gravest. In the earliest days of the Faith, and in the great discourse which has been to all ages the quarry from which the foundations of Christian morals have been hewn, the Divine Teacher had assigned to pure hearts as their special prerogative the vision of God Himself, denied to polluted and sordid natures. And all subsequent experience has confirmed men in the belief that to attain any degree of spiritual elevation and insight, purity of thought and act is the first requisite; while, on the contrary, nothing more surely deadens the higher aspirations, and incapacitates for the loftier activities and affections, than the secret though conscious presence of impurity in the heart: of all evils it is the first to come, and the last to go. No human power seems able to expel it, and long and futile conflict has led many in their bitter agony to cry in weariness and despair for a final and complete release from "the body of this death."

§ 19. Some writers have been perplexed, and others scandalised, by the prominence given to this class of offences in the thought and action of the Church of the early centuries. It is undoubtedly true, that "sins of unchastity occupy a larger place than any other in its enactments," and also that "the ascetic passion increased the prominence of this branch of ethics;"[2] but the statement and the conception of the cause are incomplete; for Mr. Lecky has missed the fundamental reason for this excessive attention and care. In the first place, though civilised society does censure offences against purity, it resents them with much less severity than outrages against life or property; though the general impulse is, broadly speaking, stronger in the former case than in the latter. Furthermore, while the temptation is intense, detection is difficult, and proof unreliable, rendering the punishment of offenders uncertain, and weakening the deterrent influences. And lastly, even where Law takes notice of the offence, and when evidence is clear, public opinion may still refuse to acknowledge the breach of statute as a crime; leaving the transgressor liable indeed to the vengeance of positive law, but exempt from the resentment of the general conscience. These forces co-operated during the imperial régime. The law prohibited, but common opinion and universal practice tolerated; while the law itself was practically inoperative, unless the offender involved himself in treason as well as impurity, or had provoked the personal animosity of

[2] Lecky, Eur. Mor. vol. ii. p. 336.

the prefect or his favourites. Mere vice in troublous times was a crime to be winked at, probably to be laughed over, by the representative of law and order. But when the secular power failed, the Church was bound to act: and this case was one in which its action, resting upon special sanction, and appealing to special motives, was sure to be effective in comparison with all external influences. It had a deeper and more intimate acquaintance with the life and thought of its members than the governor or his agents could ever attain; and for the guilty it had punishments of transcendent horror. Thus, its early legislation was directed, not to draw up a methodical code of sins and penalties on an abstract system, nor to co-ordinate crime and punishment, but to check and repress among its members the disorders which other legislators had to allow or to ignore. The civil law secured life and property with some measure of efficiency; it did little or nothing to secure purity, and to this special duty the Church was forced to devote its thought and strength. Ordinary human tendencies, leaving asceticism out of the question, would be sufficient to account for the "prominence" to which the historian points.

§ 20. The elementary condition of morality even among parts of the professedly Christian community, may be inferred from the fact that the Church found it necessary to punish with its most drastic sentence the unnatural vice which had long been the curse and the shame of Greek and Roman society, and survived in the converts when they had surrendered their old faith; proving once more that with the

mass of mankind the moral reformation is of slower growth than the religious."[3] The Synod had also to strike at parents, guardians, and other "believing women," who acted as procuresses, and sold into pollution "another's, or rather their own body:" for there is a kinship not of blood alone, but of humanity.[4]

It was not, however, on degradation such as this that the attention of the Council was concentrated, but upon the task of raising the moral standard among the less debased members of society. One of the most important points which demanded consideration was præ-nuptial unchastity; and to diminish this special sin was a problem of no mean importance. The policy pursued by the Council was in the main wise and judicious, though in part it is open to criticism. It is enacted that a virgin who has committed carnal sin, if she subsequently marries the partner of her guilt may be readmitted to church-fellowship after a year, and without the infliction of special penance. If, however, she marries another, she is to be excluded for five years, and to perform due penance.[5] A similar law is

[3] Elv. LXXI. Cf. Becker, Gallus, iii. 66, 67. On the morality of heathen society, cf. Jowett, St. Paul's Epistles, vol. ii. p. 74 foll.

[4] Elv. XII. Cf. Ulpian, l. iv. in Mendoza, l. c. pp. 168, 169, "Ait prætor de his qui notantur infamia, lenocinium facit qui quæstuaria mancipia habet, sed et qui in liberis hunc quæstum exercet in eadem causa est." "Parens" is not "father," as in Hefele, vol. i. p. 160. All the cases are those of women, in a descending scale of relationship; mother, kinswoman, any believer.

[5] Elv. XIV.

enacted with reference to youths guilty of the same sin, though the obligation to marry the victim of seduction is not so explicitly stated: we are however justified in assuming the same rule in both cases.[6]

Where marriage followed, the offence might be considered as an anticipation of the nuptial rights, and by penitence and a permanent union condoned. This leniency would prevent many from sinking deeper into sin; and on a similar principle, subsequent laws allowed the legitimisation of the offspring of such illicit intercourse. Even the harlot was pardoned, if after conversion she left her evil courses, and settled down in lawful marriage. Her former sins were to be considered as part of the old life which she had now abandoned, and were to cast no outward shadow upon the new.[7]

§ 21. There was, however, a special order of virginity which did not meet with these easy terms—those who had consecrated their maidenhood to God. If they broke their oath of fidelity, and surrendered their honour, no such restoration was granted. Even if the irremediable act was committed in a moment of blind passion, when they were not capable of recognising their disloyalty to Christ, only by perpetual vigilance and life-long penance could they regain communion at death; having shown by prolonged abstinence both from illicit love and from the marriage tie, that their fall was due to persuasion or to the infirmity of the body. If, on the other hand, they continued in bondage to lust, they were doomed to permanent and irrevo-

[6] Elv. XXXI. [7] Elv. XLIV.

cable excommunication, and to be shunned as outcasts by their family and friends.[8] The Canon has given rise to considerable discussion, from the fact that unchastity and marriage are both put in the same category,—both unreservedly condemned in members of this sacred order. Mendoza indeed goes so far as to hold marriage under such circumstances for the more heinous sin, because that relation is more lasting and more conspicuous.[9] This view is well illustrated by one of the Canons of Ancyra, which, pressing the literal sense of the phrase "the bride of God," though applying it to men as well as to women, treats as actual bigamists those who have broken a vow of chastity, condemning them to the same punishment.[1] No more striking instance could perhaps be found of the evils resulting from the abuse of metaphor. The honour of the vow did indeed make fidelity more essential, from the Augustinian point of view; but to adapt human analogies to the divine life is to materialise and to profane it.[2]

[8] Elv. XIII. Cf. 1 Tolet. XIX.

[9] Mendoza, l. c. p. 172.

[1] Ancyra XIX.

[2] On this "votum virginitatis" cf. a letter attributed to Augustine, but probably written by Pelagius; c. x., Migne, Patrologia, vol. xxxiii. p. 1106. "Non intelligentes," in Canon XIII., points to the following "semel persuasæ:" they are carried away by passion into unconscious disloyalty. Cf. Hefele, vol. i. p. 161, and Gams, vol. ii. pp. 64, 65. Garcias Loaisa, Concilia, p. 7, interprets it as "without repentance;" while "lapsæ"= "against their will." So Aubespine, p. 23, interprets it of those who are penitent only at life's close, and seek peace of the Church rather through fear of death than of God. Dr. Nolte

The same, or even greater rigour, is exhibited in the case of offending clergy, who are considered to stand under a special obligation of purity, and to deserve a proportionately severer sentence if they fall. To them communion is not to be allowed even at death:[3] such as sinned in youth are not to be ordained to the humble office of subdeacon, because promotion to the higher grades might easily be made in ignorance; those who had been so ordained were now to be deposed.[4] The Synod of Neocæsarea, held a few years later, degrades a presbyter if he marries, and excommunicates him for fornication or adultery;[5] but the Apostolical Canons are more lenient, deposing for fornication, perjury, or theft, but not refusing communion; on the ground that a prophetical passage[6] prohibits the imposition of a double penalty for the same offence.[7] That even bishops were liable to the charges laid against the subordinate clergy is proved only too indisputably by the scandalous offences of Basilides and Martialis, a case still within the memory of some of those assembled at the Council.[8]

§ 22. Sins before marriage were but the beginning of the Church's arduous task: those of the married state were more complex, and of equal importance. At this period there can be no doubt that celibacy

[l. c. p. 309] refers "eidem" to the parents and others mentioned in the preceding Canon [XII.].

[3] Elv. XVIII.
[4] Elv. XXX.
[5] Neocæsarea I.
[6] Nahum i. 9.
[7] Apost. Can. XXV. Cf. Hefele, vol. i. p. 807.
[8] Cf. Gams, vol. i. p. 262.

was regarded as a state absolutely good in itself, and not simply as a means to a life of detached spirituality. But nevertheless, measures of precaution were taken to secure the peace and honour of marriage; and, even without legislative enactment, men would have thought it sinful to say that it was essentially an evil.[9] Thus decrees were passed, strengthening the obligations incurred at betrothal, counteracting alike the propensities of parents to break through that contract from mercenary motives, and of those affianced to throw aside the restraints of betrothal in a moment of passion. If the parents, without serious fault on the part of their children, broke the solemn contract, they were liable to three years' exclusion: if those betrothed committed sin together, the engagement was considered binding.[1] At the same time, the scandalous laxity of heathen society with respect to affinity, cases of which are sadly familiar, was restricted by statute; and five years' penance and excommunication were imposed upon the Christian who marries two sisters,[2] and perpetual exclusion for union with a step-sister.[3] [Note E.]

§ 23. The title of the sixty-seventh Canon, due to the corruption of the text and to the misinterpretation of the copyist, might easily lead us to misconceive the aim of another measure of wise precaution. The enactment has no reference to marriage with actors or stage-players, but is intended to prevent Christian women, believers and catechumens alike, from keeping lascivious and dissolute slaves in their

[9] Cf. Apost. Can. LI., and Hefele, vol. i. p. 816.
[1] Elv. LIV. [2] Elv. LXI. [3] Elv. LXVI.

households, always the source of domestic impurity and infidelity. Danger from such causes had for long menaced the Christian Church. Milman, on the authority of the "Paidagogos" of Clement of Alexandria, points out that in Christian society we find "all the vices of an opulent and luxurious community: splendid dresses, jewels, gold and silver vessels, rich banquets, gilded litters and chariots, and private baths. The ladies kept Indian birds, Median peacocks, monkeys, and Maltese dogs, instead of maintaining widows and orphans. The men had multitudes of slaves."[4] And while it could not be said with truth in Spain, that "the Christian alone is rich,"[5] we are bound to suppose that the same law operated in this as in other provinces, and that large numbers of the wealthy mercantile class professed adherence to the Christian faith: the ceremonial munificence which was checked by the Council is an indirect proof that the Spanish Church did not suffer from extreme poverty.[6] The wives of these men would have "many a purchased slave"—to frizz and curl their locks, to build up the lofty structure of hair,[7] or to act as artists in false tresses. Such attendants were coveted by those who possessed riches, or married them. Sedan-chairs, mules, and slender hair-dressers from abroad,

[4] Cf. Milman, Hist. Christ. vol. ii. p. 209, note *h*.

[5] Clemens Alexandrinus, Παιδαγωγός, iii. vi. Migne, Patrologia, vol. viii. p. 603 foll.

[6] Elv. XXVIII. and XLVIII.; and cf. Baur. Ch. Hist. vol. ii. p. 231.

[7] Cf. "Tot adhuc compagibus altum Ædificat caput," Juv. vi. 502.

are coupled in the same clause by Tertullian; and these men, no less than their companion eunuchs, ministered to the passions of their mistresses, or, where there was no previous inclination to debauchery, lighted and quickened the illicit flame. The Synod was bent on eradicating this source of corruption, and suspended the believer from communion and the catechumen from baptism, until they dismissed these slaves from their homes.[8] [Note F.]

§ 24. The whole question of adultery presents special difficulties in treatment; partly due to the nature of the subject, partly to the obscurity and confusion in which early Christian thought and legislation are involved. In a striking article, contributed to the "Dictionary of Christian Antiquities,"[9] the Bampton lecturer for 1875 has endeavoured to distinguish three stages in the definition of the term, and a corresponding variation in the degree of guilt assigned by current morality to such offences. It is impossible to follow the writer into the details of his argument: for the immediate purpose, a general summary will suffice. The essential characteristic of the offence is, that the woman should be married;[1] and this conception marks the first stage, the woman being "adultera" in the strict sense, while the man is only "adulter" by association

[8] Elv. LXVII. Cf. Tert. Ad Uxor. ii. 8, "peregrina proceritate."

[9] Dict. Christ. Antiq. vol. i. pp. 17—30.

[1] "Adulterium in nupta committitur," Dig. 48, tit. v. s. 6, § 1, Papinian.

with her. The same principle is recognised in the Jewish code.[2] From this fundamental distinction arises a corresponding difference in the respective punishments meted out to the offenders; and while the husband may put away the wife for adultery, the wife has not the same power, unless the offence had been committed with a married woman.[3] This inequality of treatment strongly impressed divines like Jerome and Gregory; and they now began to insist that the sin of incontinence was equally grave, whether committed by man or woman, and that difference of sex did not modify the obligation of conjugal fidelity. The precise considerations which influenced them in their views, and in the adoption of a single standard, were, as Mr. Jackson points out, mainly the following:—"A feeling of the absolute unity of a married couple, a healthy bequest from the first age; indignation at marital licence, and desire to find a remedy for woman's wrong; and the wish to recommend celibacy by contrast with the 'servitude of marriage.'"[4]

The last stage is that reached by the canon law, in which the offence is characterized as being committed "cum persona coniugata" of either sex; "simplex," if one of the guilty parties alone be married; "duplex," when a married man sins with a married woman.

At Elvira there is a strange confusion of these various views, pointing to a transition state of

[2] Levit. xx. 10. Deut. xxii. 22.

[3] Basil, Canon XXI. Dict. Christ. Antiq. l. c. pp. 21, 22.

[4] Dict. Christ. Antiq. l. c. p. 22 b.

opinion in the society represented at the Council. At one time the obligation of fidelity is recognised as equally binding upon both sexes; at another, it is ignored. For example: the Synod condemns offenders against the law of marriage, without any distinction of sex, to a five years' penance,[5] extended by the Council of Ancyra to seven:[6] but the term is indefinitely reduced for sin committed, if confessed, with a Jewess or a heathen woman.[7] Again, while communion at death was granted to a married man who had been guilty of prolonged and repeated sin, if he professed penitence and desired pardon,[8] the same leniency was not extended to the unmarried woman who had been the partner of his guilt. She was condemned to excommunication till death, if she persevered in her evil courses; or to ten years of penance, if she forsook her sin while repentance and amendment were still possible.[9] It was only after unexpected recovery and a renewed transgression, that excommunication was imposed upon the equally guilty husband.

§ 25. While the penalty for the simple offence is comparatively light, the punishment of connivance or complicity is most severe. If the husband knew the guilt of his wife, he was bound at once to put her away. If he hesitated and delayed, he incurred a penalty of ten years' penance: if permanently recalcitrant, he was excommunicated.[1] Under the Roman law, connivance of this nature was con-

[5] Elv. LXIX.
[6] Ancyra XX.
[7] Elv. LXXVIII.
[8] Elv. XLVII.
[9] Elv. LXIV.
[1] Elv. LXX.

sidered as equivalent to "lenocinium;" and the same principle was adopted in the Christian code of the fourth century. The obligation was still more stringent in the case of the clergy, who were specially required to present an unstained example to the world, giving no occasion for scandal to those under their charge.[2] On this point, however, the law and some of the great leaders of the Church were at variance. The lenient Shepherd of Hermas allowed, and urged, one reconciliation with a penitent wife,[3] while Augustine at one time leans towards gentleness, at another, to stringency.[4] It is at least noteworthy that, already, domestic infidelity in Spain should be marked by the special characteristic which has been so prominent, both in that country and in Italy, during after-ages,—the indifference, or the toleration of the husband.[5]

§ 26. The woman, as she possessed no such power, was exempt from its responsibilities, and was therefore not exposed to the same penal consequences. The Julian law at Rome allowed the husband to proceed against the wife, but not the wife against the husband; and the same principle held its ground in the morality of the Church for a considerable period. When Constantine's edict granted freedom of divorce to the wife for homicide, poisoning, and violation of sepulchre, and when

[2] Elv. LXV. Cf. Neocæsarea VIII.

[3] Lib. ii. Mandat. iv.

[4] Augustine, De Adult. Con. ii. viii., and Retract. i. xix. 6. Migne, Patrologia, vol. xl. pp. 475, 476; vol. xxxii. p. 606.

[5] Cf. Mendoza, l. c. p. 374.

later emperors extended the right to cases of aggravated profligacy, the spirit of the Church resisted the tendency to take advantage of these concessions, and at this early period of the fourth century the ancient system prevailed in all its rigour. Even at Rome, where a wife could procure divorce with comparative ease, the lines of Plautus were not without point:—

> "Ecastor lege dura vivont mulieres,
> Multo iniquiore miseræ quam viri.
> Utinam lex esset eadem quæ uxori est viro." [6]

§ 27. In Christian society the lines were still more applicable, for at present the Church, if it raised woman, did not free her. To prevent any laxity in separation, such as was common in heathen society,[7] the Council enacted that a wife leaving her husband without cause, and living in adultery with another, should not receive communion even at death.[8] The sentence agrees with the tone of the sixty-fourth Canon.

In three other Canons the Synod dealt with the question of separation and re-marriage, and put it beyond all doubt that, in the case of the woman, separation was not equivalent to a divorce admitting a second marriage. A believing woman who has left a believing husband on the ground of his adultery, is forbidden to marry another. If she persists, communion is to be denied her, except in

[6] Plautus, Mercator, iv. 5, quoted in Dict. Christ. Antiq. l. c.
[7] Cf. Plutarch, Probl. xiii.
[8] Elv. VIII.

the most urgent need, till her first and real husband has set her free by death.[9] The outraged wife is thus forbidden to enter into a second marriage after a separation on justifiable grounds. In the tenth Canon, another case is provided for—that of a woman who has been deserted by her husband, a catechumen, and re-marries.[1] The union is not lawful, but is not to exclude her from baptism. The same law applies in cases where the desertion is on the wife's side, she being the catechumen, and the second marriage that of the husband. Furthermore, if the husband thus deserting his true and lawful wife, marries a believer who knows him to have abandoned his wife without cause, she is not to receive communion till death: for such an one must have been aware that separation without cause, both for Christian and catechumen, was unjustifiable alike. If a catechumen had been guilty of this disgraceful complicity, her baptism was to be put off for five years.[2]

It would appear then, from the ninth Canon, that the aggrieved husband might re-marry with impunity, though this freedom is not conceded to the wife under similar conditions. Basil[3] denies the right, even to the husband; and the Council of Arles[4] enforces the same view, though it imposes no penalty for the misdemeanour. The inequality was due to the state of the civil law, the provisions of which were contravened or superseded by these ecclesiastical enactments. In marriage itself, and in

[9] Elv. IX. [1] Elv. X. [2] Elv. XI.
[3] Canon XXI. [4] Arles XI.

divorce, the man occupied the position of vantage; and it was not till more than a century later that both sexes were, in this respect, put on a footing of equality.[5]

§ 28. Nothing further remains but to point out, in the briefest terms, the law as it applied to the misconduct of widows. Their special privileges and duties in the Church of the Apostles are well-known, from the New Testament records, and no fundamental modification had, as yet, taken place in the relations of these women to the Church. As they had special functions to perform towards the younger women, and in the conversion of their heathen sisters, it was in the highest degree essential that they should lead an exemplary and irreproachable life; and though a second marriage was not forbidden them, except by the ascetic sects, monogamy was encouraged even before the exhortations of Ambrose and Jerome had led to the reprobation of such a practice, and to the organisation of widowhood as a new religious order, with special vows of continence. At present, things had not come to such a pass; for a widow who fell into transgression was enjoined to marry the man with whom she had sinned: in that event, a penance of five years was imposed; if she married another, she was permanently excommunicated; and such an one, being a Christian, was liable to ten years' suspension for allying himself with a woman no

[5] Cf. Mendoza, l. c. pp. 153—171. Hefele, vol. i. pp. 159, 160. Munchen, Bonner Zeitschrift, vol. 26, p. 58. Dict. Christ. Antiq. l. c. and especially pp. 28 b, 29.

longer free.[6] The principle is that which was laid down in the case of the unmarried; but though similar stress is laid upon the one reparation possible, the widow, as resting under a stronger obligation to continence, for an example to those under her guidance and care, suffers a five-fold penalty: in other respects, there is nothing to distinguish the Canon from those which have already passed under examination.[7]

NOTE A.—ON CANON I.—The text of this Canon is singularly corrupt, and the same may be said of very many others enacted at this Synod. Among the variants may be noted nos. [for eos]; idolaturus, idololatùrus, and idolatrionis; principale, for capitale; and ad communionem eum suscipere, for eum communionem accipere. As to idolatrionis and its equivalents, I have no hesitation in striking them all out of the text as marginal interpolations, produced by the copyist's misconception, shared by many subsequent editors, of the idiom of "fecerit." Hefele in his first edition, and Herbst with his co-editors, punctuate:—"et fecerit quod est," and translate "and shall have committed, &c." But "facere" like its Greek equivalent ῥέζω, is used with the technical meaning of "sacrifice"; it is Virgil's "Cum *faciam* vitula pro frugibus." Hefele, vol. i. p. 138, English translation: Herbst and others in the Tubingen Theol. Quart. 1821. p. 64.

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[6] Elv. LXXII.

[7] NOTE ON CANON LXXII.—Mendoza, l. c. p. 375, explains the latter part of the Canon thus. (1) If the widow thus offending marries a man other than the partner of her gnilt, and a heathen, communion shall not be granted at all; (2) or, if he be a believer, only after ten years' penance. But Aubespine, pp. 77, 78, followed as usual by Migne [Dict. Conc. vol. i. p. 828], rightly refers "ei" to the husband, who would be culpable, though in a less degree.

Binterim in his scathing but malignant reply to the editors of the Quartalschrift does not fail to point out their error, which is corrected by Dr. Nolte, and by Hefele in his second German edition. The former rightly points out that the words, "Quod est crimen capitale," are a parenthetical explanation and justification of the sentence pronounced at the close of the Canon, and that they stand in apposition to, and cannot be objectively united with the verb, "fecerit."

Binterim, Katholik, 1821, vol. ii. pp. 417—444. Nolte, Tubingen Theol. Quart. 1865, pp. 308, 309.

NOTE B.—CAPITOLS IN SPAIN.—For the Capitols of Spain, cf. "Et capite insigni despectans Tarraco pontum." Paulinus, x. 233; Migne, Patrologia, vol. lxi. p. 458; and Fructuosus, iii. 4. "Hispanæ pete Tarraconis arces." Gams [vol. ii. pp. 119—124], in a style, and at a length worthy of Mendoza or Aguirre, discusses the subject in detail, quoting from Dr. Braun's "Die Kapitole" a list of the Capitols existing in the Western Empire. Dr. Braun asserts the existence of such institutions in the Spanish cities of Saragossa, Seville, Elvira, Barcelona, Ilerda, Calagurris, Fibularia, Pampelona, and Tarraco. Dr. Herbst reinforces the list with illustrative evidence drawn from Capua, Beneventum, Epidaurus, Narbonne, and Toulouse. The details of the argument are not essential, and may be omitted without further notice.

NOTE C.—(i.) For the cruelty of Roman ladies to their slaves, cf. Schmidt, La Société civile dans le Monde Romain, pp. 92, 93. "En Grèce déjà, dans ce pays de mœurs plus douces, il y avait eu des femmes maltraitant leurs esclaves, les fatiguant jusqu'à la mort, leur refusant la nourriture, faisant couler leur sang sous des coups furieux: mais c'est chez les dames Romaines de la décadence qu'il faut chercher les examples les plus révoltants de cet endurcissement du cœur féminin et de cet odieux mépris de la nature humaine. Un seul trait suffira pour les peindre: pendant leur toilette, elles sont armées de grandes épingles qu'elles enfoncent dans les membres de leur esclaves, si elles négligent quelque détail de ce service compliqué, et, pour que les coups portés sans colère par des femmes habituées à la vue du sang, fassent plus sûrement de plus larges blessures, les malheureuses servantes sont jusqu'à la ceinture dépouillées de leurs vêtements."

(ii.) The Canon [V.] is exact in its use of "flagra," the instrument of chastisement used for slaves; "fustes" were for free men. Constantine deprived slave-owners of their power of life and death, thus following out the principle asserted by the Synod.

NOTE D.—ON CANON LXXIV.—The Canon is obscure and corrupt. It runs thus:—

(*a.*) Falsus testis prout est crimen abstinebitur;

(*b.*) Si tamen non fuerit mortale quod obiecit et probaverit quod *non* [v. l. *diu*] tacuerit biennii tempore abstinebitur.

(*c.*) Si autem non probaverit *convento clero* [v. l. *conventui clericorum*] placuit per quinquennium abstineri.

The main difficulty lies in (*b*). Keeping "non" and punctuating thus,—probaverit,—the sense will be, "if his charge shall not have been capital, and he has proved this" to the assembled clergy. With—obiecit,—and "diu," translate, "and he has proved that he was silent for long."

Migne and Mendoza prefer the latter view, Hefele and Gams the former. In the one case, in mitigation of his sentence, the offender has to prove that the charge was not capital, the words "Quod non tacuerit" stating the reason of his being punished at all; in the other, that he for long refused to give his false testimony.

Cf. Hefele, English trans. vol. i. pp. 168, 169, German edition, 1873, and vol. i. pp. 188, 189. Gams, vol. ii. p. 133. Mendoza, l. c. pp. 381, 382. Migne, Dict. Conc. vol. i. p. 828.

Aubespine, pp. 79—81, explains the whole Canon of ecclesiastical, and not of secular courts, defining three separate cases.

(1.) The false witness who fails to prove his charge,—sc. of mortal sin—and is to be suspended for a time proportionate to his guilt.

(2.) The "false witness" who brings a charge not capital, and proves it [thus showing himself to be no false witness at all]. He is to be suspended from communion for two years, because he did not refrain from giving evidence against a brother.

(3.) The charge not capital, but unproved. This offence punished with five years' exclusion.

But the explanation in (2) is most unnatural; nor is there any sufficient evidence to limit the application of the Canon to religious charges and ecclesiastical courts. Cf. Katholische

Zeitschrift, Wien, 1856, pp. 38—43, and the argument of Dr. Nickes.

NOTE E.—ON CANON LXI.—This is the first official decree referring to marriage with a sister of a deceased wife, or indeed to affinity as an impediment, occurring in the records of the Church Councils. It annuls the old law of Rome, under which Cæcilius Metellus married two sisters, and the wife of Crassus two brothers. The Council of Neocæsarea [IE.] completes the prohibition on the woman's side. She is to be excommunicated for such an offence till death; but if in extreme danger, she promises, recovery being vouchsafed, to break off the connexion, she may, as an act of humanity, be restored. [*διὰ τὴν φιλανθρωπίαν . . . ἔξει τὴν μετάνοιαν.*]

Basil, in a remarkable letter addressed to Diodorus [Migne, Patrologia, vol. xxxii. pp. 621—628], in A.D. 373, refers to a communication he has received "signed with the name of Diodorus, but befitting any one rather than him who is the Gift of God." He then states "our custom," i. e. in Cæsarea, on this point of marriage morality: *ἐάν τις πάθει ἀκαθαρσίας ποτὲ κρατηθεὶς ἐκπέσῃ πρὸς δυεῖν ἀδελφῶν ἄθεσμον κοινωνίαν, μητὲ γάμον ἡγεῖσθαι τοῦτον, μηθ' ὅλως εἰς ἐκκλησίας πλήρωμα παραδέχεσθαι πρότερον, ἢ διαλῦσαι αὐτοὺς ἀπ' ἀλλήλων.* Lastly, he proceeds to discuss the Mosaic law.

NOTE F.—ON CANON LXVII.—Of nine MSS. compared by Ant. Gonzalez, four read "cenorarios" and one "generarios." Keep, therefore, "comatos aut viros cinerarios." The terms were not understood, and so corrupted to "comicos aut viros scenicos," the prohibition being interpreted of marriage with actors, &c. Cf. Mendoza, l. c. p. 363. But all other authorities agree, Aubespine, Gams, and Hefele being all of one mind.

"Cinerarii," cf. ciniflones, and vid. Rich, Dict. Ant. s.v., were the men who heated the curling-irons, i.e. the frizzers; "comati" are the "structores capillaturæ" [Tert. De Cult. Fem. ii. vii.], the artists in false hair: cf. "comato calvo turpius,' i.e. "a bald man with a wig of luxuriant hair." Cf. Sueton. Cal. xxxv.; Martial, i. lxxiii. 8; x. lxxxiii. 3, 12; and vide Becker, Gallus, 2. 138; 3. 197. The "comati" may have been, as Hefele suggests, drawn from "Gallia comata:" he adds that in the glossary "cinerarius" is translated *δοῦλος ἑταίρας.* Cf. Migne, Index Latin. Tertullian, ii. § 1271; Juv. vi. 366 foll.;

Martial, vi. 67; Hefele, vol. i. pp. 185, 186; Gams, vol. ii. pp. 129, 130; and the Bonner Zeitschrift, vol. lxxxii. pp. 91, 92.

NOTE G.—(i.) In Gaul the remarriage of the divorced husband was forbidden by the Council of Arles [X.]: and in Africa, one of the Canons commonly attributed to the Concilium Milevitanum [XVII.] deals both with "dimissus ab uxore" and "dimissa a marito." Augustine [De Fid. et Op. iii.; Migne, Patrologia, vol. xl. p. 198] tells us that such offenders were excluded from baptism. Cf. Innocent I. Ep. ad Exuperium, iii. § 6. Ambrose, on one occasion, allows divorce to the husband, but not to the wife [Ep. ad Corinth. i. c. vii.]. But, says Mendoza [l. c. p. 159] he here alludes to the civil, not to the Christian law, "Legis Juliæ non Dei" . . . "Imperatorum Severi et Antonini non Christi."

(ii.) CANONS IX. X. XI.—The explanation of these Canons given in the text is that approved by Hefele, and seems, on the whole, satisfactory. In the title of IX. the use of "relicta" is ambiguous; it must mean "a wife abandoned," and not a "widow" in its more technical sense.

Gams explains X. thus; vol. ii. pp. 62, 63: A catechumen abandons his wife, and unites himself to a heathen woman. She, however, may be admitted to the catechumenate and baptism, because of her ignorance of Christian wedlock. The same principle will apply to a catechumen leaving a heathen husband, who marries again. But if the partner of this second marriage be a Christian, and enter into it with knowledge of the circumstances, this toleration is inadmissible.

Aubespine [p. 19] says, without any apparent reference to the Canons under discussion, that a heathen who has abandoned his wife without cause, must first restore her, and then, and not till then, receive baptism. But if she were united to another this course would be impossible, and baptism was not to be refused.

In IX. the use of ducere, for nubere, is noteworthy.

NOTE H.—Second marriage is not included among the questions legislated upon at Elvira, except in a few special cases in which there was in reality no freedom to remarry through the continuance of prior obligations. The practice was condemned by Tertullian, and by the Novatians. At Nicæa [VIII.] it was made a special condition of the restoration of their clergy,

that they should no longer refuse communion to Christian men and women in that position. In the absence of all valid testimony it is impossible to determine what would have been the decision of this Council upon the matter; but in all probability they would have allowed remarriage after the death of husband or wife, as they appear to allow it to the husband who has separated from his wife on sufficient grounds.

Hefele, in his article upon "Rigorismus" in the ancient Church, Tubing. Theol. Quart. 1841, pp. 415—446, traces the growth of the sentiment forbidding a second marriage, and the successive prohibitions set upon it. Both in Greece and Rome the fidelity of the survivor to the dead had been illustrated and honoured. "Univira" was a title which adorned many a sepulchre even in the degeneracy of the empire, and the feeling found pathetic expression in the words of Dido :—

> "Ille meos, primus qui me sibi iunxit, amores
> Abstulit; ille habeat secum, servetque sepulcro."
> Virg. Æn. iv. 19, 20.

Much confusion has been caused by the use of the phrase "nuptiæ secundæ" and its equivalents to express a second and an adulterous marriage while both husband and wife still survive; an offence which is punished by the Spanish Synod. The Samaritan woman is the most familiar illustration of promiscuous "marriage" of this kind; and in many cases where a second union is supposed to be prohibited, we should really interpret the edict of Bigamy, or even of Polygamy, either after desertion or groundless divorce. Cf. Binterim, Denkwürdigkeiten, vi. i. pp. 330—336, and Bingham, iv. 4. 3, vol. i. pp. 498.

The first important development of this sentiment would naturally appear in the case of the clergy and of those women who had consecrated their widowhood to God. Cf. Apost. Const. iii. 2, *Διγαμία δὲ μετ' ἐπαγγελίαν παράνομον, οὐ διὰ τὴν συνάφειαν, ἀλλὰ διὰ τὸ ψεῦδος.* The "profession" was the cause of sin, and not the union in itself. We have already seen that the same principle applied to those who had taken and broken a vow of virginity. Cf. Ancyra XIX. At Neocæsarea, in the Synod held about the same period of the century, the spirit is stronger, though the intention and sense of the Canons are open to dis-

cussion. The third [III.] states that in the case of those who often marry [πλείστοις περιπιπτόντων γάμοις] their assigned term of penance is well known, but may be lessened by their reformation and faith. In the seventh the presbyter is forbidden to attend the marriage feast of those who marry for the second time, as inconsistent with his disciplinary duties [VII.]. But it is quite possible to interpret both these Canons of contemporary, not successive, union, and the words quoted above from the third Canon support such an hypothesis.

CHAPTER IV.

ASCETICISM, SACERDOTALISM, AND SUPERSTITION.

§ 1. So far, in our survey of Christian morals, we have encountered few questions leading to any divergence of opinion as to the abstract justice of the case, even where the expediency of a particular penalty might fairly be challenged. The standard, as historians and moralists agree, could admit neither debasement nor deviation without a vital compromise of Christian principle and integrity. In other directions, however, some writers find a tendency towards unwise asceticism, not essential to and inconsistent with the reasonableness, the ἐπιείκεια, of the Christian spirit. While admitting that the Church was justified in its hostility to the gladiatorial shows, they aver that towards the music and dancing of the theatre or of private representations, it was unnecessarily severe: such action, it is said, "was an excess of rigour, brought the arts into contempt, and invested human life with sombre gloom, by depriving it of legitimate distractions, and by repressing the free activity of genius."[1] M. Renan, with cautious vagueness, tells us that the Christian

[1] Schmidt, Société Civile, p. 251, takes the opposite view.

was "too virtuous," and that he erred in his abnegation of "the great delight of the soul, which he confused with vulgar pleasure."[2] If his criticism has any direct force at all, this must be the point of application. And indeed such pleas for a fictitious breadth of culture are not the creation of our days. In the works of Origen, Cyprian, and Tertullian, we have ample illustration of the modes of defence employed by contemporary Christians who were anxious to combine a life of devotion to God with the enjoyments and excitements of heathen society. The mere pleasantness of pleasure, they urged, was nothing; the essential element was the inward spirit. In all amusements God's own gifts to men are employed,—gifts bestowed for use and enjoyment: what harm, they asked, can there be in their legitimate employment? The absence of all prohibition of music and dancing in the sacred writings would not fail to be put in evidence against the more rigorous school; and we know that the party of laxity appealed to David's harp, Miriam's song, and Elijah's chariot: in the New Testament they could point to the athletic and pugilistic metaphors of St. Paul, and to the joyous close of the parable of the prodigal son.[3] The literalists would appeal in the same way to the parable of the talents for a sanction of usury. Gamblers who could find no countenance in Scrip-

[2] Conférences d'Angleterre, p. 373.

[3] Cf. Tert. De Spect. c. i.: Orig. c. Celsum, viii. 21, and Cyprian, De Spect., quoted in Neander, Hist. Christ. vol. i. p. 367—369.

ture, would turn for refuge to the tolerance of human nature, when the sin of gambling was denounced, and at best could only excuse their propensity as towards a harmless and innocent pastime.

We must deal with these various questions in turn, briefly and concisely, to discover the real nature of the offences which were thus palliated.

§ 2. The theatre, it is certain, could not claim the slightest measure of toleration on grounds like these. Its jests were obscene, its dances lascivious, and even its music was debased to the level of the surroundings. Whatever excellence it may have possessed in its æsthetic character—and there is no reason to suppose that it was characterised in any high degree by this subordinate merit—need not be taken into consideration: for with all their faults of temper and intelligence, the Christian leaders could see the fallacy of the delusive dogma, "Art for art's sake;" they insisted that fidelity was not the sole criterion and standard in such matters; and that unless such creations tended to the moral elevation of humanity, the more true they were to nature, the more degraded they were in essence. As truth survives her exponents, so she anticipates them. Before Ruskin taught, and threw his whole life and energy into the work, his principle was realised and accepted.

The gymnastic exhibitions and the legitimate drama, so far as the latter still survived, were harmless in comparison with the forms of entertainment which now monopolised and absorbed all the interest and enthusiasm of the public. These spec-

tacles united superstition and irreverence, cruelty and licentiousness, in their most debased and most degrading phases; and to portray even in outline the scenes of debauchery unblushingly represented before an assembly of both sexes and of all ages, would be an outrage. If the arena was drenched with more blood, to the spectators the theatre was deadlier and more dangerous, fatal as it was to all purity and loveliness of soul.[4]

§ 3. No defence has ever been advanced for its iniquities, and those who ventured to raise their voices in mitigation of the universal censure passed upon it, qualified their approval by the demand that the stage should first be purified from its temporary and transient pollution. In the Mimes and in the Pantomimes there was no redeeming element: the one was probably marked by more of buffoonery, the other by more of obscenity; in music and speech, gesture and dress, there was the same taint. The favourite dramatic subjects were taken from the amours of the gods, nor was any detail, however revolting, spared in the representation even of the

[4] Milman takes too favourable a view of the state of the higher tragedy and comedy during the later empire. Two good actors, and the devotion of a few finer spirits to this form of recreation, are insufficient evidence to support such an opinion. At any rate, popular favour was concentrated in the more vulgar diversion of the Mimes and Pantomimes. Milman, l. c. vol. iii. pp. 337, 338. "The games killed the theatre:" Lecky, Eur. Mor. i. p. 292. To this view there is an overwhelming weight of testimony. "Theatrum sacrarium Veneris;" it was only in this character that the institution, once the pride of Athens, still survived.

legends of Leda or Pasiphae. At Antioch, women were exhibited swimming naked through water: in other cities the crowning attraction was the spectacle of Venus Anadyomene represented by some courtezan famous for her beauty and her shamelessness. In every large city an enormous number of women devoted themselves to this calling, no less than 3000 of them existing in Rome at the same time. The theatre, in fact, became nothing more than the antechamber of the brothel, and the abomination was only aggravated by the introduction of male actors in female parts. It was a hotbed of vice and corruption with which no authority, earnest and determined though he might be, could effectually cope; defying every attempt at amelioration and reform: even under Christian emperors the scandal was gross and palpable.[5]

§ 4. But the stage was cruel as well as profligate; was stained with blood as well as filth. When dramatic exigencies required, an unhappy slave or criminal—sometimes a Christian—would be put to death on the pyre of Œta, having first endured intolerable agony in the Nessus-robe; or would be doomed to some other painful form of death, varying with the plot of the play. The passion of the people spared neither sex nor age. In the incisive words of the Dean of St. Paul's, "that which had been a delight became a madness."[6] It is un-

[5] Cf. Athenæus, xiii. c. lxix. Milman, Hist. Christ. iii. pp. 329—348, and especially p. 339, and note *p*. Schmidt, l. c. pp. 97—102, and 251—255.

[6] Milman, l. c. p. 330.

necessary to describe in detail the intricate organisation maintained for the production of such entertainments, and the immense funds [Theoretica] raised in many cities for defraying the enormous expenses they involved, recurring as they did on most of the festival days, which now made up a third part of the entire year. Besides the regular sums devoted to this purpose, tradesmen thus expended the wealth they had acquired by commerce; some to secure social distinction; others, prompted to the same profusion by ambition.[7]

The nation was absolutely demoralised, and the contagion spread from the stage to the home. For the actor "transmits the taste for evil into the soul of the spectator, and inflames ignoble and criminal passions; familiar as he is with vice, he sometimes blushes for the disgraceful part he is obliged to play before the eyes of the crowd."[8]

§ 5. While, on the one hand, the religious associations of the stage had not yet entirely died out, the State, on the other, branded those occupied in its service with complete and unmitigated ignominy; disfranchising them, and reducing them to the level of slaves. At times the law would expel them[9] from Rome; at others it would impose the most

[7] Cf. Martial, iii. 59. Lecky, Eur. Mor. i. p. 292. Milman, l. c. p. 334.

[8] Min. Fel. xxxvii. p. 140. Schmidt, l. c. p. 98. Cf. Tert. De Spect. xvii.

[9] Domitian banished them from Rome; Nerva restored them. Cf. Cassiod. Var. Ep. i. 20, to Trajan, "Neque enim a te minore concentu, ut tolleres pantomimos, quam a patre tuo ut restitueret, exactum est."

degrading restrictions on their dress and attendance: even in the theatre they might not show themselves among the spectators. They were at once the idols and the scorn of the people. The paradox was seized upon by Tertullian's keen eye; and he emphasises the contrast: "For the same art they both degrade and glorify them; they openly condemn them to public shame and to disfranchisement; exclude them from the senate-house and the platform; from the senate, the knights, and all other posts of honour, precluding them from some badges of distinction at the same time. What perversity! They love those they fine; disparage those they admire; glorify the art, brand the artist."[1] Nor was this all. The law regarded them as slaves, and treated them as such. Once embarked in his calling, the actor could never hope to regain his freedom; he was fettered to the stage, and his children were born to the same slavery. If man or woman attempted to escape, after once practising the "ars ludicra," they might be compelled to return to the profession which now filled them with loathing and disgust. Only in this way could the state ensure an adequate supply of human victims for its amusement.[2]

Such then was the treatment which the favourites of the Roman populace met with from the secular powers. Were they worse off under the more con-

[1] Tert. De Spect. xxii.

[2] "Personæ inhonestæ." "Munus turpe." Cod. Theod. l. xv. tit. i. iv. and xii. Cf. xv. 7, 10. Cf. Lecky, Eur. Mor. vol. ii. p. 335.

sistent, and, as we are told, more ascetic laws of the Church?

§ 6. The Synod of Elvira enacts that those engaged in these occupations—on the stage or in the exciting chariot races, which in later times shook the whole city of Constantinople with feud and frenzy[3]—should renounce their calling before admission to baptism;[4] and that if they returned to it again, they should be expelled from the Church. The Apostolical Constitutions contain a similar provision;[5] and the Council of Arles places jockeys and stage-players under the same sentence.[6] But at the same time it granted reconciliation to the repentant even in their last hours,[7] and strenuously endeavoured to secure for them some measure of freedom. The Church Councils sought for their converts exemption from this servitude, and obtained their freedom from Gratian and Theodosius. Thus we find in the Canons of the Fifth African Council[8] a statement that an

[3] Gibbon, vol. v. pp. 49—52.

[4] Elv. LXII.

[5] Apost. Const. viii. 32.

[6] Arles IV. and V. In Elv. LXII. Aurigis, not Auguribus, is the true reading. The latter would be out of place in this connexion. They are the "Agitatores" "et theatrici" of Arles. Vid. Rich. Dict. Antiq. s. v. Cf. Sueton. Calig. liv., "Aurigabat extructo plurifariam circo." Spanish horses were especially sought for their speed. Cf. Pliny, N. H. viii. 42, and letters of Symmachus, præfectus urbis, "Familiaribus meis ad longinqua Hispaniæ pergentibus ad coemptionem curulium equorum." In several he shows great anxiety about the business. Cf. ix. xii. xviii. xix—xxiii. For the distraction of Roman society over the two colours of the course, cf. Gibbon, l. c. supra.

[7] Council of Hippo, XXXIII. A.D. 393.

[8] Can. VII. In Cod. Can. Eccl. Afric. lxiii. Hefele, vol. ii. p. 75.

actor who has once become a Christian, may not be carried back or compelled by any one to return to his former occupation; and even in earlier times these converts found assistance in the bounty of the Church.[9] Prudence, however, was not forgotten; and by careful vigilance the Church ensured that the profession of faith should not be abused by unfit persons, anxious to exchange one mode of vice for another; consistency of life and conduct was insisted on in those who procured this religious privilege.[1]

§ 7. So far, then, the conduct of the Church stands out in favourable contrast with the general contempt in which these unfortunate toys of society were held. Nor is there anything approaching to ascetic severity in the restrictions put upon the presence of Christians at such scenes of lewdness, cruelty, and superstition. In Africa, the performances were prohibited on Sundays and festivals;[2] and the sons of bishops and clergy were forbidden to join in these secular plays or to witness them.[3] At the Council of Laodicea the superior and the subordinate clergy were enjoined to leave weddings and feasts before the entrance of these licentious troups.[4] The laity, except the catechumens—and this is not matter

[9] Cyprian, Ep. lxi., De Histrione.

[1] Cod. Theod. de Scenicis, xv. 7, 2, 4, 8, 9. Milman's strictures on the "rigour and jealousy" of the Church are groundless [l. c. pp. 341, 342]. The object of the restrictions was that no one might make godliness a source of gain.

[2] Afric. [V.] LXI. Cf. Hefele, l. c. supra.

[3] Hippo XI.

[4] Laod. LIV.

of absolute certainty [5]—were kept away by opinion and feeling, and by the exhortations of the clergy, rather than by legal restriction. And from the evidence given in this brief summary, it is clear and incontestable that in these measures the Church showed no excessive severity towards the players themselves, nor to those who frequented their performances. Its whole action was directed, not against the genius of an Æschylus, nor even of an Aristophanes—shameless as modern taste considers some of his comedies—but against obscenities which polluted the heart, and poisoned the society of the day. If the Church was ascetic, there was no asceticism here.[6]

§ 8. The restrictions put on the loan of money at interest is a matter in which much more hesitation is admissible before pronouncing an opinion one way or the other. This, however, must not be forgotten; that the Council of Elvira is the only one which punishes layman as well as cleric—albeit with a lighter penalty—who shall have been proved guilty of this offence. The Councils of Nicæa, and of Arles, of Carthage, Hippo, and Laodicea, all agree with the Apostolical Canons [7] in limiting the prohibition to the clergy; in this extension of discipline Elvira stands alone.

The clergy were exposed to special temptations in

[5] Cf. Augustine, De Symb. c. iii.—v.; Migne, Patrologia, vol. xl. pp. 638, 639.

[6] Cf. Hefele, "Rigorismus." Tubingen Theol. Quart. 1841, pp. 396—402.

[7] Nic. XVII., Arles XII., Carth. XIII., Mansi, vol. iii. p. 143 foll., Hippo XXII., Laod. IV., Apost. Can. XLIV. Elv. XX.

this direction. Deriving no considerable stipend in most cases from their sacerdotal office, and excluded from free commercial activity,[8] they were driven to seek a living from other sources. Their own capital would be insignificant, and their savings were considered as the property of the poor and the Church.[9] But there was a serious danger that they might apply the accumulated funds of the Church entrusted to their keeping, for their own private ends, and without diminishing the capital amount, procure for themselves large sums of interest. This would aggravate an offence serious in itself, and intolerable in one who taught men to pray, "Forgive us our debts, as we also forgive our debtors."

§ 9. We should be hardly justified in explaining the prohibition, with Herbst, as applying merely to excessive interest.[1] There is no evidence to support

[8] Elv. XIX.

[9] Cf. Hefele, vol. i. p. 422.

[1] Tubingen Theol. Quart. 1821, p. 28. The ordinary legal interest at Rome was the "usuræ centesimæ," i. e., 12 p. c. per annum; but we know that the most exorbitant rates were exacted when the weakness and need of the debtor made this possible. "Quaternæ usuræ," 48 p. c., was not uncommon; and even higher rates were occasional. Cf. Cicero c. Verr. 3, 70. As Hefele points out, it was considerations of this kind that gave to the settling days of the Kalendæ the epithets "celeres" [Ovid], and "tristes" [Horace]. Hefele, vol. i. pp. 421, 422.

The penalty is heavier for the clergy than the laity; the Council of Nicæa [XVII.] removes them from office, and Arles [XII.] suspends them from communion. Nicæa especially censures those who demand 150 p. c. ἡμιολίας ἀπαιτῶν. Jost, the historian and apologist of the Jews, comments with severe irony on the necessity of stopping the clergy from pursuing an occupation slanderously attributed to his own nation. Jost, Hist. Jews, vol. v. p. 11.

this strong qualification; and on the other hand, the practice of usury has at all times been repugnant to the feelings of a healthy humanity. At the same time it is absurd to put the loan of money at interest on the level of theft, as some moralists have done; and it is clear that a universal restriction of this character would have done vital injury to the advance of commercial and industrial civilisation.[2]

An aversion to usury was a characteristic feature of the Mosaic code, and has been transferred to many other systems of social and moral reformers in all times. Mr. Ruskin's condemnation of it is familiar to all readers of the daily newspaper and of the fantastic "Fors Clavigera." Nor can there be any doubt that the usurer is terribly liable to a special deterioration and debasement of character. His calling develops an intense greed for power and influence over his fellows, and an irrepressible inclination to exercise power tyrannically. His experience of human nature is confined to its most servile and corrupt phases; he sees it in its deepest degradation. With the outgoing and the return of money, increased by no exertion of his own, the fancy fastens on the gold, which begins in itself to fascinate its possessor, who is not secured by any healthy action of body or of mind in his calling from the development of those morbid sympathies and affections. Other men are saved by physical exertion, or by pride in skill, from diseases of this nature; the usurer is without

[2] Cf. Hefele, "Rigorismus," Tubingen Theol. Quart. 1841, 402—415.

any such protection in subordinate motives and means.

§ 10. But the question has another aspect, in which it was regarded both by Moses and by the Fathers of the Christian Church—its inconsistency with the natural unity of the race. Thus, in the Mosaic code the prohibition was against lending "as an usurer" "to any of My people that are poor by thee," and it was his "neighbour's garment" that a man was forbidden to keep in pledge after sundown.[3] There is no restriction on lending at interest to a Gentile; and the motive of the law was to prevent and remove all source of division among a people destined to be moulded by their sojourn in the desert into an inseparable unity, which neither time nor place has been able to impair. It is on account of the *solidarité* of the race that Christian teachers and legislators strove to repress this "breed of barren metal." Tertullian points out the similarity between the precepts of the old and the new dispensation—showing that formerly men were taught not to expect gain for what they lent; now, they were to bear even its loss.[4] Clement of Alexandria takes a still deeper and wider view; he extends the prohibition to take interest from kin to the brotherhood of the Church and the whole human race.[5]

The terrible sufferings of the poor under the tyranny of those in whose debt they were, often leading to social discord and riot, and to repeated

[3] Exodus xxii. 25, 26.

[4] Tert. Adv. Marc. iv. 17.

[5] Clem. Alex. Strom. ii. § 171. Migne, vol. viii. pp. 1023—1025.

attempts at reform by legal action, emphasised only too clearly the danger of admitting usury within the pale of a new society to which unity and peace were essential. While the Church endeavoured to proscribe usury, it also addressed itself to the poor, warning them of the danger to which they exposed themselves by contracting these obligations, and honouring the generosity of the rich who freed the debtor from his liability.[6] In a community where charity had been and was still the most prominent feature of social life, anything that approached to a hard and ungenerous spirit of covetousness was beyond all tolerance; the special prohibition may have been unwise, but it was not the outcome of asceticism.

§ 11. The Fathers of Elvira were not content with providing against the more serious dangers of every-day life: they knew that it is in hours of rest and recreation that some of his severest temptations assail the Christian. And indeed there is no surer test of a man's spiritual health than the tone and temper of his leisure hours: if when the strain of work is suspended the soul's needle-point returns instinctively to the diviner region, the evil of the world can have but little hold on it.

What passion, or motive, leads men to take part in games of hazard, has long been an unsolved problem of morals. Covetousness is the last quality which can be attributed to many of the most inveterate gamblers; and excitement is a concomitant, and not a primary impulse.

[6] Schmidt, l. c. p. 268.

It would seem as if the pride in personal supremacy which appears in games of skill here assumes another phase, and that this same spirit, here unconnected with any such antecedent condition, leads the same man to prefer his "luck" to another's: gambling thus would be an assertion of personal superiority; and pride would induce a man to continue the struggle against fortune when adverse, with resolute tenacity.

The game of hazard had long suffered from an evil reputation, and had always been unfortunate in its associates. Aristotle, in one of those passages which glow with repressed indignation, couples together dicer, footpad, and pirate, in the same class.[7] And when the name of "gambler" had become so disreputable, that the rich preferred to be known as "dicers," Chrysostom points out that the difference between the two unsavoury titles is only that which discriminates thieves and robbers.[8] We need not describe the madness which possessed the Roman of the Empire staking his gold from the money-chest guarded by an armed slave, and the German who risked his liberty and his life on the cast of the dice.[9] Fraud, as at all times, aggravated folly; and it was necessary to correct the blind indifference of Fortune in dispensing her favours. Loaded, or leaded dice, were not unknown to Aristotle; and the dice-box of Martial, muffled

[7] Nic. Eth. iv. i. 43.

[8] Hom. xii. 1 Cor.: "Quidam aleatorum vocabulum declinantes, ideoque se cupientes appellari tesserarios."

[9] Juv. i. 89—91. Tacit. Germ. xxiv.

except at the Saturnalia, to elude the vigilance and the vengeance of the law, was not seldom furnished with a cube of indifferent quality.[1]

The statute-book certainly was not empty of laws devised against the evil—most of them uncertain in date, and in their specific provisions, but of undoubted existence both in earlier and later times.[2] Reaction, however, was sure to follow severity when several emperors were devoted to the pursuit; one, Claudius, even going so far as to write a treatise on his favourite subject. The laws, still on the pages of the statute-book, were a dead letter; the disgrace of the preceding age became the fashion of their degenerate grandsons.[3]

§ 12. How remote was all this profligacy from the Christian ideal, needs no illustration. Self-restraint and respect; the personal devotion due to Christ, the Lord and giver of life; the obligation to use wisely the wealth that was his gift—combined to deter the believer from extravagance and folly. We have the very arguments used to enforce both the moral and the religious prohibitions; the former, preserved for us by Isidorus, who discusses all the technical terms in his Etymology; the latter, in a work attributed to Cyprian. Isidorus gives us a remarkable illustration of the union of mysticism

[1] "Nequiore talo," Mart. iv. 14. 9. Vid. Becker, Gallus, sc. x. Ex. ii. p. 502.

[2] Plautus, Mil. Glor. ii. 2. 9. Cic. Phil. ii., xxiii. Horace, Carm. iii. 24. 58. Leges, Titia, Publicia, Cornelia, in the Digest, refer to the subject.

[3] Ovid, Trist. ii. 471. And on the prohibitory laws, cf. Rein, "Verbotene Spiele." Criminalrecht v. Rom, p. 833.

and immorality in perverted natures: some men of his day, he tells us, insisted that the game had for them an allegorical significance; the three dice which they used, represented the triple conception of time and human life as past, present, and future, always in motion and ceaseless change. Other phantasies filled their minds, as wild and as baseless.[4]

§ 13. There were other objections not less forcible than this repugnance, involved in the very nature of the game. The dice [tali] were marked with numbers on their four flat sides; and the highest throw, the "Venus," was when all the dice showed different points; the lowest, when all turned up aces.[5] Besides the "Venus," and the "Dog," other casts had similar names, adopted from gods or heroes. "Stesichorus," to take a single case, was the cast of the two aces and the two trays. The eponymous deity, or a mistress, as the personification of "Our Lady of Love," would naturally be invoked before the cast, and the idolatrous association would of itself be sufficient to repel the consistent and conscientious believer. But these titles, and an ambiguous expression in Pollux [Σχῆμα τοῦ πτώματος] are not sufficient to justify Aubespine and Hefele in asserting that figures were now substituted

[4] "Sibi videntur physiologice hanc artem exercere." Isidorus, Etym. xix. c. 409—418; Migne, Patrol. lxxxii. pp. 660—662. Cyprian, De Aleat. ii.; Migne, iv. 827—836.

[5] Cf. Propert. iv. 8. 45, 46, "Me quoque per talos Venerem quærente secundos, Damnosi semper subsiluere canes." Suetonius tells us the "Venus" took "the pool:" Aug. lxxi. "Venus tollebat universos."

for the original pips.[6] No such dice are found among the specimens which have come down to us, and no allusion to the supposed fact occurs in the literature of the times. But the idolatrous element in the game would be the same in either case; even though the denizens of Olympus and Hades were not actually depicted on the cubes. The year's penance inflicted by the Synod was only a natural punishment.[7]

§ 14. We have hitherto been occupied in considering a morality, rigorous indeed, though by no means ascetic: but indications have not been wanting of the development and prevalence within the Christian Church of a very different spirit and policy—unsound in fundamental conception, morbid in constitution, and pernicious in result. To trace the sentiment to its original source would be a task exceeding all the limitations of space which must be observed in a dissertation like this: a brief outline must suffice for our purpose.

Though the tendency to draw unsound distinctions between the worlds of spirit and matter has always been inherent in systems of human philosophy, among Jewish Essenes and Greek Platonists, the immediate source of Christian dualism[8] must be

[6] Aubespine, p. 86. Hefele, i. p. 191. Cf. Rich. Antiq. p. 130, and Smith, Dict. Antiq. s. vv. alea, tali, tesseræ, fritillus, tabula, &c.

[7] Elv. LXXIX. Cf. Apost. Can. XLII. XLIII. where gambling is coupled with drunkenness. "Tabula" has no necessary reference to pictures; it is the synonym for "alea," "ludus tabulæ." Becker's Gallus may be compared throughout: Sc. x., and Exc. ii. p. 499 foll.

[8] Whether we accept Neander's theory, and trace the de-

sought in the school of Alexandria, and in the Gnostic separation of the Demiurgus, the creator of the material universe and of the human body, its microcosm, from Christ Æon,—the lord of the spiritual world.[9] The mystical distinction of the Gnostic [ὁ γνωστικός] from the commonalty of the believers, leads in the same direction: he has a higher virtue, and is more like God; free from all sensual affections and from personal ties. He has, to borrow an old Platonic metaphor, already effected an almost perfect deliverance of the soul from the body of flesh and blood, which was now disparaged as the "tomb," the "fetter," the "prison-house" of the spirit.[1] The danger from this tendency was increased by the accession of the ascetic philosophers of Egypt and the East to the new faith; who, retaining their former habits, secured a temporary respect for their adopted religion, but

velopment of Gnosticism to the operation of a dualistic principle, or assign it, with Baur, to the allegorical philosophy of religion centred in Alexandria, so far as its ascetic products are concerned the question is not affected. For, as Baur himself admits, though dissatisfied with Neander's interpretation of its nature, "the fundamental character of Gnosticism in all its forms is dualistic:" and we arrive at the same point from different ways of approach. Cf. Neander, Ch. Hist. vol. ii. p. 1 foll. and Baur, Ch. Hist. of the first three centuries, vol. i. p. 193, and 186 foll.

[9] On this antithesis, cf. Baur, l. c. pp. 195—199. The one is "the artificer" of the world, the other "a universal cosmical principle."

[1] Τάφος . . . . δεσμὸς σαρκικὸς τῆς ψυχῆς, are terms of frequent occurrence in the works of Clement of Alexandria and Origen. Cf. Clem. Strom. vi. c. ix.; Migne, vol. ix. p. 294.

exercised a pernicious influence upon its development: the cloak might be serviceable for a while, but it was a dangerous ally.[2] This detachment from the common round of life was increased by the cessation of persecution and hostility, removing the causes which had hitherto kept the Christian believers united and secure in the midst of the factions and the impurities of heathen society. It was harder to be faithful in prosperous days than in adversity; and men sought a refuge in an unwarrantable isolation from social and domestic life.

§ 15. From these forces there could be but one resultant, which manifested itself in two cognate principles—Asceticism, which denies all excellence to matter and its derivations; and Sacerdotalism, which confines the highest type of virtue to the limits of a caste: the one eliminates good from the universe; the other, from the community. The error signally avenged itself; and the development of the sacerdotal and ascetic ideal is contemporaneous with the largest concessions ever made by the Church to the world. These theories inevitably produced two distinct conceptions of moral duty, the one for the laity, the other for the clergy. And thus while one class strained every nerve to reach a false ideal of exaltation above the world of time and sense, their folly re-acted in the debasement of the rest. The great law of the Christian priesthood had been forgotten:—"Ye are all kings and priests:"

[2] For the influence of the τρίβων, cf. Neander, Hist. Christ. vol. i. pp. 381, 382, and the experience of Justin Martyr, Dial. c. Tryph. Jud.

and till this august privilege, with its terrible duties, is recognised, the Christian must fail utterly and irrevocably. To transfer the obligation of sanctity to a select class is immeasurably to degrade the moral elevation and earnestness of the whole community.[3]

§ 16. The tendency of the Spanish Church at the time of which we write was sacerdotal rather than ascetic, and what asceticism there was characterised the class and not the community. To trace the growth of the distinction between the clerical and the lay elements in the Christian Church would be superfluous, and by attempting the task we should but incur a fresh debt to Mr. Hatch's Bampton Lectures. Before this date, the separation between both bodies had become definite; the clergy were now no. mere administrative or educational officers, chosen by the Church and standing on the same level as the electorate; they were an order, intervening in fact if not in theory between man and God, subject to special restrictions and special penalties, possessed of special honours, rights, and privileges.

To accuse any Christian falsely was a sin, but the accuser of a cleric subjected himself to penalties of increased severity.[4] While other Christians were not forbidden, except by one Synod, to take interest for their capital at loan, in the clergy the same practice was an offence; or when by this solitary Synod the same prohibition was imposed both on cleric and layman, a clerical offender was far more

[3] Cf. Gieseler, Eccl. Hist. vol. i. pp. 289—294.
[4] Elv. LXXV.

severely dealt with than his lay brother.[5] Even in the conduct of ordinary business and trade, the clergy were subjected to stringent restrictions. In the early days of the Church the offerings of the faithful were insufficient to maintain their officers without the aid of some secular occupation; and many of the clergy, following St. Paul's great example, were compelled to work with their own hands. The voluntary monthly collection afterwards instituted was primarily devoted "to the support and burial of the poor," and to the relief of "the orphans, the sick, and the shipwrecked; of prisoners, and those entombed in the mines" for fidelity to Christ: the clergy, as such, had but a secondary share.[6] It was later that the funds increased to a large amount. At present the Churches possessed no considerable wealth; and though rich Christians were not uncommon, it was still necessary that the clergy should gain their livelihood in part if not entirely. The Canon, as Mendoza points out, clearly attests the early date of the Council; for when Constantine's edict was put into operation, the Church and its members were enriched by the restitution of money and lands lost or unjustly withheld during the persecution.[7]

But while a total prohibition of traffic was as yet out of the question, it was none the less essential to ensure some amount of circumspection in those under obligation of preeminent sanctity. Bishops, priests, and deacons were therefore forbidden to

[5] Elv. XX. [6] Tert. Apol. xxxix.
[7] Elv. XIX. Mendoza, l. c. p. 196.

leave their posts and to visit other provinces for the business of commerce: a son, a servant, or freedman was to represent them in all distant enterprises. The so-called fourth Council of Carthage[8] gives directions as to the calling they were to pursue, recommending the clergy to live by handicrafts, agriculture, or letters. They were not, however, to acquire in excess; not to be richer in the Church than they had been in the world, nor "to possess under Christ, who was poor, wealth which they had not under the rich and deceitful devil."[9] From the frequency of similar decrees, covetousness seems to have been a characteristic vice of the Spanish clergy, and almost justifies a hostile critic in his assertion that their moral tone was low, and piety subordinated to selfish aims.[1] [Note A.]

In other ways also they were separated from the laity. In ordinary cases, an offence committed before conversion or during the catechumenate was not allowed to cast a shadow on the future life of the penitent; but immorality in youth permanently disqualified the Christian for the diaconate, lest by promotion he should rise to higher rank in the sacerdotal order.[2] If he confessed, or was discovered, he was deposed, and degraded to lay communion after due penance, but for ever debarred from all ministration in the holy sacraments, and ex-

[8] Hefele, ii. p. 73. 4 Carth. LI. LII. LIII.
[9] Hieronymus, Ep. lii. Ad Nepot. Migne, xxii.
[1] Jost. Juden-Gesch. vol. v. p. 11.
[2] Elv. XXX.

cluded from some parts of the church edifice.[3] The clergy were also liable to graver penalties than laymen for the same offences; thus their punishment for immorality was one of extreme severity,[4] and their connivance at the infidelity of an unchaste wife was considered as a crime of the deepest guilt.[5] All these facts prove indisputably that their position was peculiar, and that sin in their order acquired a new and terrible significance.

§ 17. While the sacerdotal tendency led to this separation of classes within the Church, asceticism too had its own abnormal developments, some of which affected the whole and not a portion of the Christian community. Following the usual law, attention was directed to the negative rather than to the positive side of perfection—to the mortification of the body, not to the purification of the soul. Celibacy, possessing advantages for some forms of work and duty through its detachment from the responsibilities and cares of married life, was endowed with intrinsic merit, and virginity exalted as a virtue; while fasting, good as an occasional resource and when practised without ostentation, had early become systematic and compulsory, and, with complete oblivion of its spiritual ends, had been materialised into a mere mechanical process.

§ 18. Besides the great Fast of Lent and those occurring at intervals of three months and continu-

[3] Elv. LXXVI. Cf. Sardica I., passed "Hosio suasore," punishing bishops who exchanged their diocese through ambition or avarice.

[4] Elv. XVIII.

[5] Elv. LXV.

ing for three days, the Church had come to observe special days of abstinence in every week—the "Stationes"—so-called because the Christian then retired within his encampments for security against the assaults of the Evil One.[6] Wednesday and Friday were the days ordinarily set apart for this purpose, but considerable laxity and diversity of practice prevailed throughout the Church in this matter. In Rome, and in parts of the West, the Sabbath was added as a third fast-day, or substituted for the Wednesday.[7] This innovation, however, did not secure general recognition, and was expressly denounced and punished by the Apostolical Canons, which degraded clergy and expelled laity convicted of fasting on the Sabbath, Holy Saturday excepted, or on the Lord's Day.[8]

The Synod of Elvira dealt in brief, and consequently obscure, terms, with this question, and decided that the customs of the Spanish Church should be reduced to conformity, and the Sabbath fast universally kept.[9] The Council also enacted that once a month, except in July and August, the ordinary hours of abstinence should be extended from the ninth hour to vespers,[1] thus increasing for the occasion the severity of the customary weekly fast, on the Friday certainly, and presumably on the Wednesday also; for the account of the martyrdom

[6] Cf. Ambrose, Ser. xxi. Migne, xiii. p. 644. Cf. Tert. De Cor. c. xi.

[7] Augustine, Ep. xxxvi. [lxxxvi.] Ad Casul. § 31.

[8] Apost. Can. LXVI.

[9] Elv. XXVI.

[1] Elv. XXIII.

of Fructuosus shows that the Wednesday was observed about this time. 'The Wednesday the martyr kept with his companions in prison; the Friday's fast he broke in heaven.'[2] Nor are we led to suppose that this was one of the cases of error which the Synod sought to correct; for Binterim has produced some evidence to show that at Rome three days of abstinence were observed in the week.[3] The exception of the two late summer months from the rule must be attributed not to harvest labours, as some have supposed, but to the fierce heat which prevailed during that season in Southern Spain, making unusual physical strain a serious if not a dangerous burden, when travel was impossible except at night. In Gaul, a Council made a similar distinction for August, while a permissive indulgence was conceded during July.[4]

§ 19. The tenacity with which the Spanish Church clung to the Sabbatic fast may be easily explained. Nor are we confined to the "Gnostic dualism" which led Marcion and his followers to fast on this day in our search for a satisfactory hypothesis.[5] Where Jewish influence was strong and hostility

[2] Gams, ii. p. 80.

[3] Binterim, Denkwürdigkeiten, ii. 2, 613. But cf. v. 2, 124.

[4] C. Turonense, ii. c. 13. Cf. Gams, vol. ii. p. 75. Mendoza, l. c. p. 213.

[5] Cf. Hefele, vol. i. p. 820, and Epiphanius adv. Hær. bk. i, tom. iii. vol. i. p. 304, who attributes the Sabbatic fast to antipathy to the God of the Jews. Cf. Tert. Adv. Marc. iv. c. xii.

The Alexandrian Christians abstained in a remarkable degree, both in this and other cases; justifying Philo's description, De Vit. Contempl., "Assueti sicut cicadea rore vivere, et canticis solari inediam."

fierce, the Christians would be led to observe the Sabbath as a fast in antagonism to the festivity and supposititious excess of the Jewish rest day, or even as a mere contrast to Hebraic custom and conscience.[6] An ascetic tendency would lead to the same result by continuing the fast of the Friday up to the eve of the Lord's Day, thus to begin it in a special degree of supposed purity; while the analogy of Easter Eve and of the two days of mourning before the day of Resurrection, would exert strong influence in the same direction.[7] All these causes would unite to intensify the natural inclination of the Spanish Church, leaving the powerful influence of Rome out of consideration, and to emphasise the distinction which at this time separated the practice of this small minority from that of Eastern and Western Christendom. Subsequently, where the Sabbath had once been kept as a festival, the fast usurped authority for a time, finally giving place itself, and leaving the day without special recognition and commemoration of any kind. At present the Sabbatic fast characterised the party of asceticism, and it is under this aspect that the legislation of Elvira dealing with the subject becomes important. [Note B.]

[6] Bingham, xx. 2. 4. Cf. the authorities quoted in Dict. Christ. Antiq. vol. ii. p. 1825 b, 1286 a, s. v. Sabbath, and Augustine, Ep. xxxvi. [lxxxviii.] § 31, Ad Casulanum.

[7] Cf. Victorinus, De Fabrica Mundi, "Hoc die solemus superponere; idcirco, ut die dominico cum gratiarum actione ad panem exeamus." Migne, v. 306; Apost. Const. v. 15, and 18, 2; and Tert. Adv. Psych. xiv.

§ 20. This was, however, neither the sole nor the most important form of abstinence. We have already seen that in the sentiment of the Church marriage came to be looked upon as a necessary evil, and virginity as the ideal state of perfection; and though the Western Church never went to such lengths in this respect as the Montanists and Encratites, or the Manicheans, who only tolerated marriage among the lower orders, yet there was a strong disparagement of the nuptial state. In all the discussions for and against celibacy, two facts stand out in special prominence—the selfishness and the coarseness of the whole conception of marriage and its effects. The moral aspect of its influence is entirely ignored, and nothing is considered save mere sexual instincts; while, on the other hand, the Christian is never taught, even by suggestion, to think of anything else but his own personal welfare and security. To this, family and State are utterly and always subordinated.[8]

§ 21. But whatever may have been the character of the arguments employed in the cause of celibacy, their force was proved by results; and even before the relaxation of the laws unfavourable to celibacy, the tendency led to the development of a new order in the Church. As some widows bound themselves

[8] Cf. Lecky, Eur. Mor. vol. ii. pp. 341, 342, and Milman, Hist. Christ. vol. iii. p. 196. Baur, Hist. Christ. vol. ii. pp. 260, 261. The evil of marriage was asserted (1) by Saturninus and other Gnostics; cf. Epiphanius, Hær. xxiii. 2; (2) by the Marcionites, Clem. Strom. iii.; and (3) by Tatian and the Encratites. Eusebius, H. E. iv. 29.

by vows of strict continence, so maidens consecrated their virginity to God, or, if united in marriage, pledged themselves to abstain from its rights. From the frequent mention of these "virgins" in the acts of this and later Councils, it is clear that they were very numerous, while the special hostility of the Arians to this order, and the persecution to which they were subjected by Julian, supply further evidence of their importance.[9] The vow had two stages or degrees, and might either be "simplex" or "solemne," while the vows of the more elementary "novitiate" at any rate, were not irrevocable.[1] Afterwards, as we see in this Synod,[2] any such retrogression was considered in the light of a heinous sin, and punished accordingly.

Still, though the members of the order were thus separated from the world, and distinguished by a special dress, the time had not yet come when they were to be secluded in isolated homes and communities. Not till a date considerably more advanced in this century do we find any mention of nunneries [παρθενῶνες],[3] and there were at present no nuns "properly so called." Hefele, therefore, or his English translator, is somewhat incautious in his careful distinction between virgins still living

[9] Cf. Milman, Hist. Christ. vol. ii. p. 398. Cf. Elv. XXVII., Ancyra XIX., Carthage IV., (falsely so called, vid. Hefele, vol. ii. p. 418), XI. XII. XCVII. CIV., 1 Toledo VI. IX. XVI. XIX., Apost. Const. iii. 1—3, iv. 14.

[1] Cf. Milman, Hist. Christ. iii. pp. 197, 198. Cyprian, Ep. lxi. De Disc. et hab. virg., c. ii. Cf. "novitiate" and "velatio."

[2] Elv. XIII.

[3] Cf. Sozom. H. E. v. 15.

with their parents and those residing in common dwellings;[4] and even Gams, who is over-anxious to prove the existence of such orders in Spain at an improbably early epoch in the history of the Faith, gives up this part of the theory altogether.[5] Such maidens still lived at home with their parents, though by their vows of consecration their hearts were to be separated from the world around them. [Note C.]

§ 22. In the order of the clergy these two currents combined their forces; for in a class of men singled out for religious honours and duties, and from whom a special degree of holiness was demanded, it was only natural that asceticism should be unusually developed. Even without any inclination of their own they would have been compelled, in deference to popular sentiment and for the preservation of their influence, to rival the lay ascetics in austerity; and the acts of the Council tend to prove that this natural propensity was strong in them as among other members of the Christian Church. In fasts, in penances, in mortification, the clergy might be rivalled by the laity; in the matter of celibacy, they might rise to be supreme. For though as yet no legal restraint had been set upon their marriage, the feeling of the Church had gravitated slowly in that direction, and during the latter part of the third century few cases, if any, can be found of marriage after ordination.[6] That a married

[4] E. trans. vol. i. p. 143. [5] Vol. ii. pp. 64, 65.

[6] Hefele, Beiträgen zur Kircheng. vol. i. p. 123, and in the original article on "Rigorismus," of which this is mainly a reprint, denies that such marriage ever occurred. We know,

clergy existed in Spain at the time of the Synod is a fact that cannot be questioned for a moment. The Canon enjoining continence on such,[7] and the command laid upon the clergy as a whole, not on the inferior members of the order, as Aubespine thinks, to put away a guilty wife,[8] furnish abundant proof, corroborated by the provisions of the last of the authentic and genuine synodical acts.[9] It is there ordered that women shall not send letters to laymen in their own, but in their husbands' names, and that they shall not receive letters of commendation so addressed. The Canon recommends, but does not enforce its advice with any penalty. Its import, in spite of some objections, is clear. The wives of the higher clergy, and of the bishops in particular, had been accustomed to write in their own name—which in Spain was not changed by marriage—letters of commendation, and perhaps letters of private friendship, to laymen, though this is less probable, and had also received similar letters, addressed to them and not to their husbands. The custom was liable to dangerous abuse, and so incurred official censure.[1]

on the other hand, that early in the third century, Hippolytus, the bishop of Ostia, was charged with exaggerated asceticism because he opposed the practice. Cf. Pressensé, vol. iii. p. 135. "Life and Practice in the Early Church."

[7] Elv. XXXIII. [8] Elv. LXV.

[9] Elv. LXXXI. Aubespine, p. 74, and pp. 45, 46; and cf. Herbst, Tub. Theol. Qu. 1821, pp. 43, 44.

[1] Aubespine, p. 88, Mendoza, l. c. p. 391. Hefele, vol. i. pp. 191, 192, and Gams, vol. ii. p. 136, quote illustrations of the national custom of retaining the maiden name. The son can

§ 23. While marriage was allowed, conjugal abstinence was at the same time considered meritorious, and as a near approach to the honour of celibacy: approbation before long turned into a command. Thus at Elvira, the influence of Hosius [2] availed to pass the Canon enjoining such abstinence upon the married clergy, which at Nicæa was rejected through the emphatic protest of the Egyptian saint, Paphnutius.[3] Even accepting the improbable theory that the prohibition only applied to the parts of the year occupied in the duties of the sanctuary, and that the clergy were treated like the Levites, the case is not a whit bettered.[4] Marriage once admitted, the attempted restriction was unnatural, and would certainly produce a revulsion of feeling through the domestic scandals inevitably ensuing from such a monstrous prohibition.[5]

Once formulated, the principle made further advances in the West. Marriage after ordination was definitely forbidden, or admitted only among the lower orders of the clergy.[6] Deacons were in

take the name of either parent. Hence the proverb, "El higo de ruyn Padre Tuma el appellida de la Madre," i. e. "The son of a bad father takes his mother's name." Carter, Journeyings in Spain, vol. ii. p. 284.

[2] Cf. Drey, Neue Untersuchungen, pp. 57 and 310.

[3] Cf. Stanley, Eastern Church, p. 169.

[4] Cf. Herzog, Real-Encyklopädie, iii. pp. 775, 776.

[5] Elv. XXXIII. The Canon was repeated at 2 Arles II. and at Carthage. Cf. Jerome, Adv. Jovin. p. 175. For Peter's alleged abstinence, cf. Lecky, Eur. Mor. vol. ii. p. 111. Mendoza discusses at length, cf. l. c. p. 247. Binterim, Kathol. 1821, vol. ii. pp. 430—432.

[6] Neocæsarea, I. Apost. Can. XXV. Apost. Const. vi. 17.

some cases allowed to state their intention to marry at their ordination, without incurring any disqualification.[7] Second marriage, or marriage with a widow, had long since been discountenanced. The Council of Gangra, convened not more than fifty years after this Synod—probably in the year 350 A.D.—in its censure of Eustachius, shows to what a pitch sentiment had come; and the edict of Siricius, thirty-five years later, prohibiting all intercourse of the clergy with their wives, repeats in a more authoritative form the decision of this Council. In the East, opinion had not moved so quickly, and in this matter the Church had been far outpaced by the clergy of the West.[8]

§ 24. All enforced and unnatural abstinence leads to reaction or to gross evasion, and many of the clergy, to whom lawful marriage was forbidden, compensated themselves in irregular ways. Others, with no evil intention at the outset, entered into a so-called spiritual union with Christian virgins not related to them by blood or kinship, and kept them in their homes on terms of the closest familiarity. Such women were variously designated—"subintroductæ," "sorores," "ἀγαπηταί, and συνείσακτοι," being the most common titles employed in this connexion. The scandal which resulted from such intercourse was gross, and the custom more per-

[7] Ancyra X.

[8] Cf. Milman, vol. iii. pp. 277—282. Lecky, Eur. Mor. vol. ii. pp. 347, 348. Dict. Christ. Antiq. vol. i. s. vv. Asceticism and Celibacy, and especially pp. 324, 325. Hefele, vol. i. pp. 432, 433. Herbst, Tub. Theol. Quart. 1821, p. 31, foll.

nicious to the ideal of purity than the disparaged nuptial tie. But the evil was very tenacious, and seems to have refused to yield to any legislation. At Elvira, at Ancyra, at Nicæa,[9] we find strong prohibition of these intimacies, and most stringent restrictions set upon the presence of any woman within the homes of the clergy on whom suspicion could possibly fall. In later years, too, the disease seemed to have become inveterate; the Priscillianists are charged with having sanctioned and encouraged the custom, and Council after Council adds its influence and power to counteract the corruption to which it gave rise. At one time we find that the contagion had spread to the consecrated virgins, and that they had their "companions" living with them, as the clergy had their "sisters."[1]

Two courses lay open to the Church in this position of danger; to abolish artificial restrictions and restore a healthy and natural life, or, on the other hand, to add one degree of conventional separation to another, and to enforce the provisions of a law insufficient to cope with the instincts of humanity by more stringent and ruthless penalties. It chose the latter; and in time the natural outcome was the total prohibition of private intercourse between the clergy and women; even a bishop was not allowed to grant such an interview without the presence of

[9] Elv. XXVII. Ancyra XIX. Nicæa III.

[1] Cf. Gregory Nazianzen, Ad Hellenium. Migne, Patrologia, xxxvii. 1468, 1469.

clerical witnesses.[2] This indeed was the logical issue of a restriction apparently not without wisdom and justification in its earliest origin.[3]

§ 25. The Canons which have been under our immediate consideration are important, no doubt, in themselves; but they deserve special notice, apart from any intrinsic qualities. As we have already pointed out, the Synod of Elvira must be in large measure considered as the work of one man, the Bishop Hosius; and when we find him in other assemblies re-enacting, or at least proposing, the edicts of Elvira, it may be inferred that he attached no small importance to its work. Now its chief function was to formulate, systematise, and perpetuate the sentiments prevailing in the Church of the West at the time of the convention, and that with too little consideration either of the necessities

[2] 1 Matisc. III. 1 Orange, XX. Migne, Dict. Conc. i. p. 1204. Mendoza, l. c. p. 231.

[3] Cf. Milman, Hist. Christ, vol. iii. pp. 282, 283. Lecky, Eur. Mor. vol. ii. p. 160. Migne, Dict. Conc. vol. ii. pp. 78, 79. Hefele, vol. i. pp. 380, 381. Gams, vol. ii. p. 82. Natalis Alexander, Hist. Eccl. Sæc. iii. Dis. xxi. II. pp. 678, 680. Hieronymus, Ep. xxii. Ad Eustoch. Cyprian, Ep. lxii. Ad Pompon. Chrysostom, Serm. *πρὸς τοὺς ἔχοντας παρθένους συνεισάκτους.*

This Canon [XXVII.] was repeated at the Councils of Carthage [XLVI.], vid. Hefele, vol. ii. p. 73; 2 Arles III.; Lerida XV.; Antioch, which removed Paul of Samosata for this among other charges; 2 Tolet. III.; 2 Bracar. XV.; and many others.

It is noticeable that Nicæa is less rigorous than Elvira in exceptions which it admits to the rule. Dr. Nolte, Tub. Theol. Quart. 1865, explains "vel" as = "especially." Cf. XXXIII. and XII., "Vel quælibet fidelis,—*vel* parens."

of human nature or the truths of divine revelation. A spirit, if we may so call it, of positive law had entered into the Church in the person of Hosius, with all his devotion to the cause of Christ, and with all the loftiness and purity of his character and aims; and decrees like these were the outcome. The sentiment, unformulated, would have been at the time hardly less effective than the specific precept; and when the tide had turned, the error would have been amended. But once defined by statute and enforced by penalty, the system could not fail to develope fresh modifications, as natural forces proved too strong for arbitrary and artificial law. The forces of asceticism and sacerdotalism had united before now, but till the legislation of this Synod there was neither foundation nor permanency for the sentiment of the season. Elvira gave it both, and we may date all the subsequent development of this abnormal system from this date.

§ 26. From the same dualising tendency, intensified and aggravated by the convictions of heathen society, came the partition of the world between opposing powers, and the consequent belief in sorcery, witchcraft, and magic. Within five-and-twenty years from this Synod, Spain was to be deeply penetrated by a heresy in which this superstition was a prominent characteristic; and after admitting the pestilence brought from Alexandria by Marcus and his followers, and transferred through Agape and Epidius, it was to repress the heresy with a severity hitherto unparalleled. But even before this "pupil of the spirits," as he was termed, had entered Spain

with a creed in which magic was an esssential element, there was already superstition enough and to spare, deeply permeating all classes even in the Christian community. [Note D.]

The Fathers assembled in this Synod were certainly not exempt from the influence of the popular creed; and as we may see from the prohibition of magic arts in all their forms, they recognise such practices as effective though illegal. Nor is there any cause for surprise in the fact that Christians of the fourth century should have shared in a superstition which survived in the Church for many ages to come. Sorcery, witchcraft, and astrology were all put in the same category, and on each fell the dark shadow of idolatry. The stars were named after the heathen gods, and made supreme in the arbitrament of human affairs, to the contempt and exclusion of the Christian deity; while, on the other hand, the powers of darkness were directly appealed to for aid. The hostility which astrologers incurred even from those who had not deserted the faith and rites of paganism, was an additional justification of Christian antipathy: those whom Rome again and again expelled, the Church might well hate.[4]

In the sixth Canon, the Synod punishes those who cause death by sorcery—a crime involving idolatry as well as murder.[5] This art of destruction was one of the most fixed and elementary articles of the ancient creed, as illustrated in classic prose and

[4] Cf. Tacitus, An. ii. 31. Tert. De Idol. c. ix. Rein, Criminalgerecht der Römer, pp. 901—910.

[5] Elv. VI.

poetry. Throughout the idylls of Theocritus, in whom the Egyptian influence is strong, in the epic of Lucan and the satires of Juvenal, the two greatest poets of Spain, the allusions to such practices recur with unusual frequency; and all believed that the mind, untainted by the venom of poisoned draught, might decay by enchantment.[6] Poisonous herbs, melting wax, and magic wheel were alike instruments in this deadly science, specially known as "maleficium," the γοητεία of the Greeks. Those who practised it were known as Chaldæi, Magi, or more commonly as "Malefici,"—"workers of evil."[7] To be guilty of any such crimes was sufficient of itself to warrant expulsion from the Church. But it is to be remarked that at Elvira, only the sin of employing witchcraft for death, and not for divination, is specifically punished, while at Ancyra the prohibition is extended to soothsayers and all who admit them into their houses; the same or similar precepts being repeated at other Councils for several centuries after.[8]

§ 27. The superstition was in one sense a growth

[6] "Mens hausti nulla sanie polluta veneni Excantata perit," Lucan, Pharsalia, vi. 457.

[7] Veneficium [Burchard, vi. 26] would be possible without idolatry; maleficium, not. Cf. Lactant. Inst. ii. 17, "Magi, et ii quos vere maleficos vulgus appellat;" and Constantine de Mag. et Math., "Chaldæi Magi, et ceteri quos maleficos ob facinorum magnitudinem vulgus appellat." Cf. August. De Civ. Dei, x. 9.

[8] Anc. XXIV. Laodicea XXXVI. Carthage LXXXIX. 4 Tolet. XXIX. Trullo LXI., punishing the ἑκατόνταρχοι. Cf. Lerida II. Cf. Tubing. Theol. Quart. 1823, p. 36 foll.

of the fourth century, for the Christians of the first three centuries, while they universally recognised the existence of evil spirits, their communication with men, and their power to affect human life, saw in baptism and the divine presence a force greater than that of the Evil One, and above the control of malignant spirits. Under the influence of this belief they abstained from all magic arts, and discredited their efficiency in the case of the Christian, while admitting it where there existed no such counter-charm; and thus it was not till this time, and perhaps not universally even now, that the prohibition was necessary. Before long, however, the superstition spread, and involved itself with theological and religious feuds in the wildest ways. Thus, in the latter days of Constantine, when the corn fleet was detained by adverse winds at Alexandria, the populace of Constantinople, under the pressure of famine, broke into tumult, and the Christians charged Sopater, a Platonist, and a scholar of the great Iamblichus, with having bound the winds in the north by his unlawful arts.[9] The emperor was constrained to yield to the mob, and the philosopher was put to death. Such a spirit, however, could not fail to meet with retaliation, and before long Athanasius was assailed with a similar charge, and sent into exile for no less fictitious a crime.[1]

[9] For a similar charge brought against Christians, cf. a letter of Adrien to Servien, in De Broglie, vol. i. p. 107, "Il n'y a point de prêtre Chrétien qui ne soit à la fois mathématicien, aruspice, et astrologue."

[1] Milman, Hist. Christ. vol. ii. pp. 380, 381.

The same spirit manifested itself in other less unequivocal decrees of the Synod. For example, one of the Canons seems at least to illustrate the belief that fields might be laid under enchantment, and crops charmed from one field to another. The crops were blessed—possibly, judging from the title of the Canon, baptized—by Christian priests, not as a thanksgiving, but as a defence against practices such as these; and the farmers, fearing the power of the Jews to ban, called in the same power to bless, to the disparagement and indignation of the Christian clergy.[2] This appears to be the best explanation of an ambiguous Canon, which must be reserved for a fuller and completer discussion elsewhere. [Note E.]

§ 28. The thirty-fourth Canon, which deals with a superstition of a kindred nature, raises a fierce and intricate controversy. The terms in themselves appear simple and distinct:—"Tapers shall not be lighted in a cemetery during the day, for the spirits of the saints must not be disquieted." Offenders were punished with exclusion from Church communion.[3] To come to any understanding of the Canon, it is necessary to recur for a moment to other customs connected with the commemoration of the dead.

Christian cemeteries, and especially the graves of the martyrs which they contained, had ever been a favourite place of meeting for the Church. Informal gatherings were common, as well as the vigils, forbidden by the Synod in the case of women

[2] Elv. XLIX. [3] Elv. XXXIV.

on account of the disorder and debauchery to which the practice too often gave occasion.[4] There were also annual festivals held in the same place to honour those who had suffered in the name of Christ, and the association too of the martyrs with the forgiveness of sins, either as abiding in the captivity of the Lord and as assessors in the final judgment, or as actual partners of His present kingdom, judgment, and power, could not but fix attention on this special form of intercession, and localise it in the place of burial.[5]

§ 29. Nor would sentiments of this kind be confined to those Christians who had rendered themselves illustrious by their confession, and their heroic death. The obscure and the unknown could claim similar tribute from the affection of surviving friends, and the natural desire to hold some communion with the departed, combined with the relics of the heathen superstition which fettered the spirit at least for a time to the material tomb, would lead to a fresh attempt to bridge the dark and silent gulf which separates the worlds of life and death. The chief, though not the only, method employed to this end, was a ritual celebrated at the grave, in which lighted tapers formed a prominent part, as instruments of necromantic art. Spain, now and always,

[4] Elv. XXXV. Cf. Edict of Constantine. Lecky, Eur. Mor. vol. ii. p. 159.

[5] Cf. *εἰς τὰ καλούμενα κοιμητήρια εἰσιέναι*, Euseb. H. E. vii. 2, 14. Cf. vi. 42, 43. Dionys. Alex., *οἱ νῦν τοῦ Χριστοῦ πάρεδροι καὶ τῆς βασιλείας αὐτοῦ κοινωνοὶ, καὶ μέτοχοι τῆς κρίσεως αὐτοῦ, καὶ συνδικάζοντες αὐτῷ.*

has been celebrated for its devotion to lights; if, says Gams, it is the "land of sunshine," it is also the "land of candle-light." In no other country is the use of tapers in religious services so universal. Lorinser, in his Travels, gives a total of two thousand five hundred candles, over and above the ordinary lights, used at a single celebration in six churches at Barcelona in 1843; and Wilkomm describes their use in the churches and in the processions, especially on Palm Sunday and Maunday Thursday. On All Souls' Day, we are told by the same authority, the custom of burning lights in honour of the dead is still observed in the cemeteries of the country. "An enormous amount of candles is consumed, as the adornment of the grave consists in setting lighted tapers on or before them. These tapers are of extraordinary length and thickness, and are set before the graves on candlesticks or in frames." "I have seen," he says, "in the case of men of rank and fame, as many as a hundred burning candles arranged to form a pyramid." A grave costs three thalers for four years; and if the money be not forthcoming, the bones are at this time cast out into the "osario comun," the detestation and the horror of all generous hearts. The poor who cannot afford the cost of a grave, honour the places where they suppose their dead to rest, with a candle of yellow wax stuck in the ground, and bearing the name of the departed on a slip for distinction's sake. In this innocent form the ancient practice has survived.[6]

[6] Cf. Gams, vol. ii. pp. 91, 92. Lorinser, Reisesk. vol. i. pp.

§ 30. But at this time darker elements were, undoubtedly, blent with this natural though materialised affection; and the Fathers of Elvira, in censuring the practice, add their testimony to the possibility of necromantic charms. Binterim, indeed, is indignant that so gross a superstition should be attributed to the Council, and insists that "a spirit of uncleanness" has entered into Herbst and his co-editors, who venture to allege such audacious fictions against the Fathers of Elvira. There is no want of elucidating evidence, he says, but a number of satisfactory explanations of the Canon; and he recommends to his opponents the answer of Socrates, taken from Mendoza:—"What I understand, is honest: What I do not, I believe is honest too."[7] But it was only natural that the clergy assembled at Elvira should have shared in the common belief of their times. Death by sorcery was an admitted fact; the recall of the dead was a sin subsequently punished by the Church;[8] possession by evil spirits was universally recognised; and the barbarous slaughter of children, for purposes of divination, was not uncommon in Spain after the date of this Council.[9] How then could they divest them-

162, 163. Wilkomm, Zwei Jahre in Sp. iii. 341, and Reise, i. 248—252. Cf. Renan, Apôtres, p. 359, "La piété des tombeaux était presque la seule que le peuple gardât. On aimait à songer qu'on ne serait pas jeté aux horribles fosses communes." Cf. Hor. Sat. i. 8. 8.

[7] 4 Tolet. XXIX.

[8] Katholik, 1821, vol. ii. pp. 433, 434.

[9] Cf. Justin Martyr, Con. Apostol. i. 18, *νεκυομαντεῖαι, ἀδιαφθόρων παίδων ἐποπτεύσεις, καὶ ψυχῶν ἀνθρωπίνων κλήσεις, κα*

selves of the influences of their age and nation? And this much is clear, that the bishops did believe in the possibility of such mysterious and magical intercourse, both from the general tenor of the Canon, and from the special use of the word "inquietare," employed in the story of the "Witch of Endor," as here, for summoning up the spirits of the dead.[1] There is no reason to suppose that the mere attempt is denoted, for it is clear, in spite of the discussion provoked by that spiritualistic episode, that the possibility of such apparitions was not generally denied, especially in the days of "a superstitious infidelity, and of the degraded Bas Empire." Those who burnt the candles may have had a vague conception of the precise nature of the act: they would wish to honour the dead, and to bind them to themselves by some tie.[2] The progress from an instinctive and natural yearning to an unhallowed art would be only too easy; and, in natures possessed by so intimate a belief in the reality of the spirit-world, coarse and covetous impostors would find an easy prey. On the other hand, to pious souls it would be an inexpressible horror, that the souls of martyrs, abiding under the altar till their day of vengeance, or in the unseen place reserved for them by Divine will, should be

οἱ λεγόμενοι παρὰ τοῖς μάγοις ὀνειρόπομποι καὶ πάρεδροι. Cf. Socrat. H. E. iii. 13. Euseb. H. E. vii. 10. Tertull. Apol. xxv.

[1] 1 Sam. xxviii. 15. Mendoza, Aguirre, and other commentators, reproduce at great length the earlier discussions ὑπὲρ τῆς ἐγγαστριμύθου.

[2] Cf. Lucan, vi. 762 and 556, 557; 705—709.

thus vexed and disquieted in their peaceful rest, and by the profanity and daring of human sorcery. It was a natural reason to be the basis of the prohibition, that "the souls of the saints must not be disquieted. [Note F.]

§ 31. This same underlying influence affected the spirit of the Church in other and less ignoble ways; but though the manifestation is less debased, there can be no doubt that the originating cause was one and the same. Thus in its treatment of the insane the Church always proceeded upon the hypothesis of demoniacal possession in its diagnosis and explanation of the mental or physical malady. All humanity, as they thought, could be affected by the activities of spirits, good and evil; and some of the miracles of Christ had implanted the belief still more strongly than the influence of Jewish and heathen creed would have done without aid of this order and power. Without entering into this much-vexed question in detail, it is abundantly clear, that demoniacal possession, if asserted at all by Divine Scripture, was but temporary in duration; and that only while the world became, and continued, the sphere of the miracles of Christ and His Apostles, was this hostile force permitted to assume these visible and unparalleled forms. But the Church perpetuated the belief, and gave an immense extension to the supposed power of evil spirits, subjecting the whole community, save those delivered by Christian baptism, to their unhallowed sway. Those, however, who suffered in a special degree from such malign influences, to the derangement of mind and

intellect, were, by the Church, subjected to special treatment; and for their cure, a regular order of official exorcists was organised and maintained from the earliest times.

§ 32. The afflicted Christian was not, however, admitted to membership; nor, if baptised before the appearance of the disease, considered to stand on the footing of full membership. His name could not, therefore, be read out from the diptychs, with his offering at the service of Communion; and he was bound to leave the Church with the penitents and catechumens at the conclusion of the scriptures and the psalms. The Council of Orange decreed that all possible religious privileges should be conferred on them; both the prayers of the Church, and religious rites suited to the case. In Africa, where such maladies seem to have been of very frequent occurrence, it was ruled that these energumens should be kept out of Church funds, and that they should discharge various small duties about the buildings, such as sweeping, cleaning and scouring.[3] At Elvira, however, a spirit of antipathy seems to have modified the ordinary temper of the Church, for it is specially ordered that these sufferers should not be employed in any service of the Church, even to light the lamps, which had evidently been one of their duties and privileges: if any persisted in disobedience, they were to be cut off from communion with the Church. [Note G.]

[3] Cf. Merida XIX. Elv. XXIX. Cf. Can. Ap. LXXIX. Orange, XIII. 4 Carthage XC. XCI. XCII. Hefele, vol. ii. p. 75.

To endeavour to determine the causes which produced this revulsion of sentiment would be futile; but there can be no considerable error in attributing the reform to the scenes of disorder which must at times have occurred through these public ministrations of the insane. Nor would a certain incongruity be absent in imposing upon those specially disqualified for the full rights of membership, a duty which placed the performer among the inferior grades of the ministrants, if in no higher place. Where insanity or possession necessitated a deposition from holy orders, it was grossly inconsistent to admit the services of men labouring under the same malady in any part of the ceremonial of the Church. At the point of death, however, the energumen, if unbaptised, was to receive baptism; if he had already advanced so far, to receive communion.[4] The Council of Orange made it a condition that the sufferer should have desired deliverance, and submitted himself to the advice and exhortation of the clergy; and also that he should have requested the sacrament before falling into frenzy: then he might receive the Eucharist as a protection and salvation from the torments of the demon.[5] In the African Church, if they could not speak for themselves, they might receive baptism on the testimony of friends or relatives.[6] From the whole mass of details con-

[4] Elv. XXXVII.

[5] Cf. Migne, Dict. Conc. vol. ii. p. 151. Orange, XXXVII. Mendoza, l. c. pp. 236, 237. In a more lax discipline they were admitted, and their names read out. Cf. Cyprian, Ep. x.

[6] 4 Carth. LXXVI. Hefele, vol. ii. pp. 74, 75.

nected with the subject, this much is clear, that the Church, if it inclined to superstition, inaugurated a policy adverse to the cruelty and carelessness with which these unfortunate beings had hitherto been treated. Even here we can see the beginning of that great system of beneficence in which the later Church was to engage with its institutions of refuge and of cure, mitigating, even if from false superstition, the barbarity of earlier ages. And it was in Spain, let us remember, that the first asylum for the insane was founded.[7]

NOTE A.—Cyprian, in his tract De Lapsis [§ 6], illustrates this evil as it existed in his times. "Many bishops," says he, "who ought to give encouragement and example to the rest, disdaining their sacred charge, devoted themselves to secular business; abandoned their seats, deserted their people, and wandering up and down through foreign provinces, hunted the markets for profitable merchandise [nundinas aucupare negotiationis quæstuosæ]; while their brethren in the Church hungered, they coveted money in abundance, seizing on lands by deceit and treachery, and swelling their capital by compound interest" [usuris multiplicantibus fenus augere]. Cf. "inhiant possessionibus suis," Sulpic. Severus, i. 23. Ambrosius tells them to be content with "agelluli sui fructibus," De Off. iii. 9; cf. iii. 6.

Mendoza, l. c. pp. 198, 199, gives the parallel of the mission at Lima, in Peru, where we find the clergy among the Indians doing business in oil, wine, corn, stone, and undertaking contracts for baggage-cattle. To their predecessors Constantine gave exemption from the ordinary trade dues, save under circumstances such as those here censured, "auraria pensio," l. viii. De Episcop. et Cler. Provincia is, of course, not Spain,

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[7] Lecky, Eur. Mor. vol. ii. pp. 91—95.

but one of the four provinces into which the country was divided, previous to the addition of the fifth, provincia Carthaginiensis.

NOTE B.—In Elv. XXIII. "per singulos menses" may = "during all months," and nothing more; it is, however, more probable, judging from the peculiarity of expression, that the true meaning is "once in every month;" i. e. = "singulis mensibus." In Elv. XXVI. the brevity of the Canon has made its force exceptionally ambiguous, and caused grave doubt whether it is to be interpreted as a precept or a prohibition.

Some, relying on the authority of Clemens, Const. Ap. vii. 23; Ignatius, Ep. viii. Ad Phil. et similia, assume that the "ut" is prohibitive, or rather explanatory of the "errorem," and argue on the analogy of the Apostolical Canons [LXVI.] that the Sabbatic fast is here forbidden.

We know, however, (i.) that the custom of the East and West, and even of neighbouring Churches, differed in this respect. Cf. August. Ep. xvii. Ad Hieron. c. 2, and Ep. xxxvi. Ad Casul. Casulanus consults him, as Lucinius consults Hieronymus, (*a*) about the fast of the Sabbath, (*b*) about the daily Eucharist customary in some churches in Spain. The first point Augustine treats as a non-essential of faith, and replies in the words of Ambrose, so often misused, "Quando sum hic [Milan] non ieiuno, quando Romæ sum ieiuno Sabbato." The Roman custom is said to have been derived from Peter, who fasted on that day before his conflict with Simon Magus. Cf. ib. liv. lv.

(ii.) Jerome tells us that Spain fasted on the Sabbath [Ep. xxviii. Ad Lucin. Bætic.]

(iii.) The phraseology is the same as in XLIII., where no ambiguity is possible.

Mendoza [l. c. p. 227] suggests that this Council was the first to promulgate a definite command on the custom, perhaps the first to institute it; but his assertion is challenged by Gams, vol. ii. p. 79, who attributes it to "Spanische patriotismus," *Superpositio ieiunii* thus = (i) to prolong a semi-ieiunium from nones to vespers [XXIII.]; (ii.) to add a second day of fasting to a first [XXVI.]. Cf. "continuare," and *συνάπτειν νηστείαν*, and *ὑπέρθεσις*. Cf. on the whole subject, Dict. Christ. Antiq. s. vv. Sabbath, statio, superpositio.

Gams, vol. ii. pp. 75, 76, 78—81. Binterim, Denkwürd. ii. 2, 615; v. 2, 98, 128; and Katholik, 1821, vol. ii. p. 429. Mendoza, l. c. pp. 220—227. Aguirre, vol. i. pp. 465, 466. Bingham, xxi. 1. 25. Routh, Rel. Sac. ii. p. 419. Hefele, i. pp. 164—166. Garsias in Aguirre, vol. i. p. 466, and Gonzalez. ib. p. 467. Neander, Hist. Christ. vol. i. pp. 385, 386, 407, and especially 409—411 and notes.

NOTE C.—(i.) For a contrast with the vestals of Paganism, the remnants of an alien and extinct creed in the Roman faith, cf. Prudent. ii. c. Symm. ad fin.:—

"Nec contempta perit miseris, sed adempta voluptas,"

and,—

"Captivus pudor ingratis addicitur aris."

(ii.) The celibates among the men would either be Eremites, though these were not at this time common in Spain,—or would belong to the clergy. Others would be encouraged to marry, if on no other account, because of the preponderance of Christian maidens for whom no husband could be found except outside the Church.

(iii.) The cognate question of second marriage has already been treated under the head of morality. This same tendency would intensify the discredit which attached to it. Cf. Milman, vol. iii. pp. 279, 280. Lecky, Eur. Mor. vol. ii. pp. 344, 345.

NOTE D.—On the Priscillianists, cf. Migne, Dict. des Hérésies, vol. i. pp. 1131 foll.

Gams, vol. ii. p. 361—366, argues with incontestable force against the advanced date to which the importation of this heresy into Spain is usually assigned. Most historians seem to admit its existence only after the death of Hosius, though, as we know, Marcus died some years earlier, and at least before the Council of Sardica, at which the Arians specially charged Hosius with his outrages against "Marcus of blessed memory." Cf. Gams, vol. ii. p. 362, and Tillemont, vol. vi. p. 335, and ex opere Historic. fr. iii. Inc. decretum Synodi Orientalium apud Sardicam, c. xxvii.

Other traces of this intercourse between Spain and Egypt, and of the imported superstition, are mentioned elsewhere. Gams, quoting from Montfaucon and Carter, alludes to a block of black

Egyptian marble, discovered by Carter, the material from which most "Abraxas" gems were manufactured. They were used as talismans against disease and sickness, and engraved with mysterious and undecipherable characters. Carter, Journeyings in Spain, vol. ii. p. 165. Montfaucon, Palæographia Græca. Hefele, "Abraxas," in the Freiburgen Kirchenlexicon. Gams, vol. ii. pp. 43, 44.

NOTE E.—ON CANON XLIX.—The custom of blessing the crops still survives, though in a modified and less superstitious form, among the peasants of the wine country in France. "Notwithstanding the respect which the French peasant feels for his curé and his Church, he does not scruple, having performed with care his religious duties, to spend the remainder of the Sunday, from about eleven a.m. to sunset, in gathering in the rich, luscious fruit, which he feels in a peculiar sense to be God's gift, inasmuch as, in the early spring, he, in common with all his neighbours, has accompanied his priest all through the vines, stopping at various stations, where an impromptu cross has been raised, with prayers and hymns, to ask the blessing of God upon his vines. In this respect there is a beautiful simplicity among the French peasantry, and there are few prettier sights to be seen about the month of May, when the country is in all its spring beauty, than one of these processions, headed by its white-robed priest, and all in holiday dress, winding in and out among the various patches of vines."—The *Times*, Sept. 23, 1881.

NOTE F.—[I.] For the use of tapers in religious ceremonies, cf. Paulinus,—

> "Clara coronantur densis altaria lychnis,
> Lumina ceratis adolentur odore papyris;
> Nocte dieque micant, sic nox splendore diei
> Fulget, et ipse dies cælesti illustris honore
> Plus micat innumeris lucem geminata lucernis,"

and,—

> "Undique rapta manu lux cerea provocat astra,
> Credas ut stellis ire trahendo comas.
> Lacteus hinc vesti color est, hinc lampade fulgor
> Ducitur, et vario lumine picta dies."
>
> Paulinus, v. 5, in Katholik. l. c. p. 435.

For candles at nocturnal rites, cf.—

> "Auroque nocturnis sacris
> Adstare fixos cereos."
> Prudentius, De Sacro Laurent.

Herzog tells us that in Portugal priests are called "Wachslichtverbraucher" [not "verschwender," as Gams, ii. p. 93]. Herzog, Real-Encyklopädie, xii. pp. 74—79, s. v. Portugal, especially p. 78.

The controversy has generally shifted from the use of candles in the cemetery to their presence in the church and on the altar. In either case, the prohibition was vehemently resented by the later Spanish Church. Gonzalez Tellez goes so far as to say that the Canon is "against the custom of the whole Church, and especially of Spain;" and Mendoza, in his long dissertation [l. c. p. 257] impugns its validity. On the other hand, Vigilantius, at a very early date, attacks no less strenuously "the heathen customs introduced under the guise of religion, and the lighting of useless masses of candles while the sun shone in the church," together with the superstitious adoration of relics. Vid. Hieronymus, Migne, Patrologia, xxiii. p. 342, 343; and cf. Lactantius, Div. Inst. vi. 2. "Num igitur mentis suæ compos putandus est, qui auctori, et datori luminis candelarum ac cerarum lumen offert pro munere?" Thus Herbst is not quite correct in his statement that Vigilantius was censured as a heretic for reproving what was forbidden at Elvira; he attacked the use of candles in the church, not at the grave. Tub. Theol. Quart. l. c. pp. 35, 36.

The controversial references of the Reformers to this Canon were similarly conceived. Thus Calfhill, in his "Answer to the Treatise of the Cross" [Publications of the Parker Society] bases upon it an argument against the use of tapers in the services of the church [p. 302], while he mentions that the Synod was condemned at the second Nicene Council.

Fulke, vol. ii. p. 185, is more strict in his application, for though his main use is the same, he retorts on the Romanists, who would limit the application of the Canon to the place therein specified:—"Why come you, then, with your torches and tapers into the churchyard, both in processions and at burials?" Rejoinder unto J. Martiall's "Reply to Master Calfhill."

Jewell, in his "Defence of the Apology of the Church of England," vol. iii. p. 167, refers to Canon XXXV., and thus remarks on "night-watches condemned," "We renew heresies. If Vigilantius were a heretic for reproving of night-watches, why hath the Church of Rome so long sithence condemned and abolished the same watches, agreeably to Vigilantius, and contrary to the judgment of St. Hierome?"

[II.] It is impossible to do more than tabulate in the briefest form the various explanations suggested by commentators upon this Canon [XXXIV.].

[A.] The Synod prohibited the custom as a method of necromancy, and to prevent the superstitious use of tapers derived from pagan ritual. Cf. Suet. Nero, xxxiv. Pliny, N. H. xxviii. They were anxious to avoid even the appearance of sorcery, cf. Acts xv. 19, because this would disturb (i.) the souls of the bishops—i.e. in a metaphorical sense—by grief and pain at such superstition. Hurtando and Barbosa.

(ii.) The souls of living saints [similiter]. Suggested by Gonzalez Tellez, in Aguirre, vol. i. p. 534.

(iii.) The souls of the dead, metaphorically, on account of the superstitious and idolatrous worship offered to them. Baronius.

(iv.) The souls of the dead, literally, by summoning them from under the altar or their other place of rest. Aubespine, who does not, however, reject decisively Garcias' view: v. infr. B. i. pp. 46—48. Cf. Tibullus, i. 6. 15; Lactantius, Div. Inst. ii. 2.

But—

(*a.*) Excubiæ of men are not forbidden at night.

(*b.*) This prohibition only applies to the day, while necromantic arts might be practised at night. Cf. Tert. de An. lvii., "Apud virorum fortium busta eadem de causa abnoctare."

(*c.*) This evocation might be attempted away from the cemetery, and without the use of candles.

Gonzalez would read perinde for per diem, but the emendation is without support.

[B.] The custom was prohibited to prevent an excessive quantity of lights being used in funeral processions during the day, which would (i.) distract the souls of believers praying in the cemeteries. [For sancti = fideles, cf. Romans i. 7, "Omnibus, qui sunt Romæ, dilectisque Dei vocatis sanctis," and comment,

"Olim enim omnes Christiani vocabantur sancti."] Aguirre and Garcias Loaisa, in Aguirre, vol. i. pp. 536 and 531.

(ii.) The souls of the priests fulfilling their holy offices [i.e. sanctorum = sacra agentium]. Binterim, Katholik, 1821, vol. ii. p. 435.

[C.] The worship of martyrs was prohibited. But this has no evidence in its support.

[D.] To prevent the attention of heathen being drawn to graves which they would unearth and disturb. Mendoza formerly inclined to this view. Cf. Gonzalez Tellez, in Aguirre, i. p. 535.

The graves, however, they would know in any case; and unless the soul remained, only the body [not "anima"] would be "disquieted."

[E.] Basterus, in Aguirre, vol. ii. p. 11 foll., gives a most ingenious explanation of the Canon, and argues that the act was (*a*) legal at night, and (*b*) not intrinsically evil.

Now,—

(i.) Funerals of the ancients were held at night. Cf. Servius, Æn. xi., "per noctem cadavera efferebantur," and "vespillones" [vesper] = undertakers.

(ii.) Romans, and the heathen generally, had a great horror of coming into contact with a dead body; it made them unclean for worship; and their funerals were therefore held during the solitude of night.

(iii.) This Council was held during the remnants of persecution, and the Canon refers to day-funerals, which would provoke the popular resentment—and did so, when first attempted. Cf. Cod. Theod. ix. 17, l. 5, "Secundum illud est quod efferri cognovimus cadavera mortuorum per confertam populi frequentiam .... quod quidem oculos hominum infaustis incestat aspectibus .... Ideoque quoniam et dolor in exequiis secretum amat, et diem functis nihil interest, utrum per noctes an per dies efferantur, liberari convenit totius populi aspectus, ut dolor esse in funeribus non pompa exequiarum nec ostentatu videatur."

Unfortunately the Canon, interpreted in this sense, is strangely circuitous in statement for the terse style of the Synod of Elvira. For (1) the real danger was the procession not in the cemetery, but in the town; and (2) the passions of the heathen, and not the souls of the saints, would be directly disturbed by pro-

cessions of the kind. (3) Why should a part of the funeral ceremony be thus taken for the whole? And even supposing the words Quia—inquietandi to be a marginal interpolation, we should be driven back upon the theories of [A.], having got rid of the ambiguous and obscure clause stating the cause of the edict. (4) Lastly, the severity of the punishment imposed points to an offence not of policy but of principle.

Cf. The Bonner Zeitschrift, vol. lxxxii. p. 93 foll., and the long discussion of the Canon in Johannes Faes, De Cereis Baptismalibus Veterum Christianorum, c. xxxiii. pp. 270—284.

NOTE F.—There can be no doubt but that the last clause of XXXVII. should be replaced at the end of XXIX. Nothing has been forbidden by the first clause of the latter Canon, so that the "etiam" [prohibendum etiam] loses all force; while the subject matter of the clause is directly connected with the personal service mentioned in XXIX. Hefele's attempt to connect it with the Canon in which it stands, by the hypothesis that it was usual for communicants to light the lamps at their first celebration, is mere ingenuity, and without any substantial recommendation (vol. i. p. 171). Aubespine, missing the very simple solution of the difficulty, confesses his entire perplexity in the dilemma [pp. 51, 52], which seems to have been due to the ambiguous sense of the word "communio." Braun and Achterfelt's view that the clause referred to the candles lighted at the death-bed to scare away the demons, is equally untenable. Bonner Zeitschrift, l. c. p. 95.

For the acolytes in the Church of Africa, at a later period, cf. 4 Carth. VI. "Acolytus, quum ordinatur ab episcopo, doceatur qualiter in officio suo agere debeat: sed ab archidiacono accipiat ceroferarium cum cereo, ut sciat se ad accendenda ecclesiæ lumina mancipari."

But these terms are not yet in use at Elvira, and the institution of the office in Spain is probably later.

CHAPTER V.

THE RELATION OF THE CHRISTIAN TO THE STATE AND TO SOCIETY.

§ 1. TERTULLIAN, in one of his rhetorical epigrams, has summed up the views of an important section of Christian leaders and thinkers on this question in one terse and incisive sentence: "Nec ulla res aliena magis quam publica:" if the Stoic was a citizen of the world, the Christian was no citizen at all.[1] The statement, without being incorrect, can hardly be accepted as a full statement of the truth. The influence of the apostolic age had indeed survived to affect the earlier centuries; the Church was still conscious of having "no abiding city," and still looked upon the world as a place of pilgrimage, not of sojourn. The sentiment of patriotism had first been suppressed by isolation from the national inheritance of Judaism and from the imperial grandeur of Rome; and it had then been ousted and supplanted by the nobler and intenser devotion inspired by the organisation of the visible Church, which to the Christian of that age was not only a home, but a kingdom. And thus, even before the

[1] Tert. Apol. xxxviii.

development of the monastic spirit, and the growth of religious communities which inspired and absorbed the enthusiastic loyalty of their members, patriotism had sunk into chill ashes without a smouldering spark. How this fact told upon the subsequent decay of the empire need not be investigated here; a single illustration will suffice to show the spirit with which the Christian leaders witnessed the national ruin and disgrace. Christianity in its perverted forms had not only deprived the state of the services of the clergy and the recluse, but even led St. Augustine to think the preservation of the sanctity of the church buildings sufficient compensation for the havoc of the imperial city: to him the superstitious reverence of the conquering Goths seemed better than the audacious unbelief of the Romans. The patriotic spirit of St. Paul had not descended to a saint who would have considered the meanest city of the heathen on a level with the noblest—perhaps even have ranked it higher, as less debased and polluted. At any rate, without accepting later legends, such as that of the betrayal of the Pass of Thermopylæ by the monks, or even facts as well substantiated as the alliance of the Donatists with the Vandals, and of the Monophysites with the Mohammedans, it is certain that the patriotism of the Church of the fourth century had turned its activity into different channels, leaving a dead empire to bury its dead. If it was "true to the interests of mankind," it was "treacherous to those of the Roman Empire."[2]

[2] Cf. Lecky, Eur. Mor. vol. ii. pp. 149—153. Merivale,

§ 2. But though the finer spirit for them had departed from national life and duty, it was impossible for those dwelling in the civilised communities to escape all share in the burdens while they enjoyed the benefits of citizenship, and the Christian was compelled to pay his taxes, and to bear his share of the duties devolving upon the members of the local organisation. If Tertullian's law of life could be accepted at all, its first clause must have received a fuller and wider meaning: "Let the image of Cæsar, which is on the coin, be rendered to Cæsar; and the image of God, which is in man, be given to God: give, therefore, thy money to Cæsar, but thyself to God; for what will remain for God if all belongs to Cæsar?" In its deepest sense, the precept is profoundly true; but under the head of "money" we must rank all the meaner faculties and energies of man, which may be used in the service of his Lord while apparently engaged in the grosser business of earth. And at this time it was necessary to give more than the mere money to the state and its constituted authorities; for though a policy of centralisation had deprived the provincial municipalities of many of their former prerogatives, a certain degree of independent responsibility was still left them, entailing a considerable amount of labour and expense, which devolved upon the nobler and wealthier classes. Among these offices, which need not be enumerated and described in detail, we find the local council and the duumvirate, corre-

Conversion of the Northern Nations, pp. 207—210. Milman, Latin Christianity, vol. ii. p. 213.

sponding respectively to the senate and the consuls of Rome: "duumvir" was the title obtaining in Spain, "decurio" in the lesser Italian cities. Another post of importance was that of priest or "Flamen," also involving many duties of an onerous nature. At first sight the former would appear to be distinctively civic offices, and the latter religious or sacerdotal; but so intimately were civic and religious elements united in the Roman organisation, that no defining line can be drawn separating the one class from the other with any sufficient degree of accuracy: the civic magistrate had to discharge many sacerdotal duties; and in his official capacity the flamen was at least as much the servant of the state as of the hierarchy. The consuls, and subsequently the emperors, held the first place in both dispensations, the secular and the sacred.

§ 3. This combination of functions intensified the natural reluctance of the Christians to hold any such public posts; for if the empire looked with suspicious jealousy on any corporations existing within its midst,[3] and suppressed them by the strongest power of law,[3] the Church had a repugnance no less intense

[3] Trajan's letter to Pliny furnishes a good example of this intolerance. The emperor there commands the total suppression of a guild of firemen which was in process of formation at Nicomedia, always noted for its turbulent propensities. Association and assemblies were thought to constitute the danger of such organisations by the officials of the empire. Cf. Pliny, Ep. x. 43. There were also edicts against the *ἑταιρίαι*: "clubs." Ep. x. 97. Cf. Lecky, Eur. Mor. i. 438, 439. Though Renan's view is too extreme, and his statement needs qualification, there is some truth in his words:—"La loi sur les confréries, bien

to the recognition of the claims of any secular organisation upon the allegiance of its citizens: the "Civitas Dei" and the "Imperium Romanum" might not come even into apparent antagonism. M. Renan's picturesque account in some recent lectures, in which he shows all his old power for producing a false impression with genuine facts, is inaccurate in the representation he gives of the relations subsisting between the Church and the Empire. From the very outset, he would have us believe, authority in the world of faith recognised authority in the world of force as an equal power, to be courted and conciliated. Such considerations guided the policy of Paul, and of the writer of the Acts; and this fact explains their invariable courtesy in their references to the civil authorities, even when magistrates were immoral and disreputable.[4] It is true that the Church desired no conflict with the State, but it avoided all close connexion with it, so far as circumstances admitted.

In his celebrated history of Christianity, Neander has analysed the three main causes which induced the Church to aim at this special separation from political and civil activity. The first place must be given to the abhorrence of the idolatrous rites and customs which were inseparably associated

plus que l'intolérance réligieuse, fut la cause fatale des violences qui déshonorèrent les règnes des meilleurs souverains." Les Apôtres, p. 351. Cf. pp. 354—356, for action taken at Rome for their repression. Mr. Hatch, in his Bampton Lectures, p. 26 foll., and especially pp. 26—29, has collected the authorities relating to this very important subject.

[4] Conférences d'Angleterre, pp. 183, 184.

with most official honours, some surviving without any record or remembrance of their original significance, as husks of a decayed faith. A few learned "antiquarians," as the great German points out, might remember it, but "it had long faded away from the popular consciousness." Chaplet and crown were unmeaning symbols of an almost extinct superstition; but so long as they survived, the superstition, by allusion and allegory, survived too.[5] To walk in a path thus beset by hidden as well as open perils, without a slip, was a task of consummate difficulty; and the danger was the graver because the sin to which the Christian was here specially exposed was the darkest and most depraved in the conscience of the early Church; the prevalent idolatry of the heathen society by which it was surrounded reacted in a fierce and violent indignation against such sin in its most trivial forms. Even to use the name of Jupiter in conversation was to pious souls an utter abomination.

There were also subjective reasons for the same line of conduct, arising from the general conception of Christian life and duty which prevailed in those earlier ages. Christ had lived on the earth as a servant of men; had performed menial service for his own disciples; had rejected the purple and the "fasces" of royal power to which he was justly entitled; refused the heavenly legions which were

[5] Neander, Hist. Christ. i. p. 360, gives as an illustration the researches of Tertullian and Clement of Alexandria into the origin and significance of the custom of crowning.

ready for his succour and aid.[6] What the Master had done must be imitated by the disciple; and a blind spirit of literalism led the believers of that day to interpret falsely the precepts Christ had given for their guidance, as their predecessors had misinterpreted the promises of his second coming. A position of humble dependence, not only in spiritual but in material life, was essential to the performance of his commands; and worldly power and distinction, even unaccompanied by gross and apparent evil, were temptations to be avoided rather than privileges to be accepted, if not sought. Official rank was in itself distasteful, and responsibility for the execution of laws "which in all cases were dictated and animated by the spirit of rigid justice alone, without any admixture of mercy or love," was repugnant to the whole temper of the Christian Church.[7] The temptation to idolatrous sin, the exclusion of Christian clemency, and the deviation from a systematic obscurity and humility of life, were considerations of weight enough to determine Christians against the acceptance of any office which they could refuse. "Honores et purpuras despiciunt," says the pagan in Minucius Felix;[8] and the charge is a true one.

§ 4. It may at first sight seem a strange incongruity, that before the toleration of the new faith heathen society should have been willing to accept the services of a Christian in any official post, or to

[6] Tert. De Idol. xviii.
[7] Neander, vol. i. pp. 374—376.
[8] C. viii. Migne, vol. iii. p. 259.

entrust a citizen lying under such a disqualification with power and responsibility, involving, as it did in most cases, the performance of sacerdotal and religious duties. To the Christian, such a policy would have appeared as despicable as it was dangerous; even the heretic, so far as opportunity allowed, was excluded by Christian intolerance from all posts of civic influence and authority: and though the Church of later ages was more gentle to the heathen than to the heretic, there is no reason to suppose that in a mediæval community, where the State had usurped the functions of the Church—where, at least, the one had become assimilated to the other—the promotion of an unbeliever to civil and ecclesiastical supremacy would have been viewed with any degree of general equanimity. Even if the duties of the office were discharged with external decency and regularity, such indifferent acquiescence in rite and form would have been the occasion of a still graver scandal, and have kindled a more embittered indignation. But under the Roman system, the whole conception of religious obligation was widely different. "Their religion," as M. de Pressensé has pointed out, "was essentially an art; the art of discovering the intentions of the gods, and of acting upon them by a varied ritual."[9]

It was a political religion, with but one end and aim—to ensure the prosperity of the citizens and of the State, and based on the narrowest system of contract. Only after a long struggle was any innovation made, in the introduction of foreign deities,

[9] Hist. des trois premiers Siècles, vol. i. p. 192.

and the recognition of their worship. But, while in practice, the policy of absolute exclusion was pursued, in speculation there co-existed the most perfect freedom. "Do like others, and believe what you choose," was the universal principle of action.[1]

As the historian of European Morals has pointed out, Cicero, whose influence was exerted against national superstition, was himself an augur, and insisted upon the duty of complying with the national rites; while Seneca, after detailing the absurdities of popular belief, closes his derisive description with the statement that, "the sage will observe all these things, not as pleasing to the divinities, but as commanded by law." Action and belief were irrevocably severed.[2]

§ 5. It will be convenient to deal with municipal, military, and ecclesiastical office in succession, premising, however, that the duties of one official often assimilate to those of another, and that strict definition and limitation are impossible.

The Council of Elvira passed a special law excluding magistrates, and the duumviri in particular, from the Church and its communion during their year of office; though this was the only penalty inflicted upon them. In this leniency some historians have seen the worldly wisdom of the Church in its infancy, and have supposed that the policy

[1] "Il y a lieu de croire que chez les payens la réligion n'estoit qu'une pratique, dont la spéculation estoit indifférente. Faites comme les autres, et croyez ce qu'il vous plaira." Fontenelle, Hist. des Oracles, p. 95, in Lecky, l. c. vol. i. p. 429.

[2] Lecky, l. c. vol. i. pp. 423—431.

was dictated by the desire to secure some power at any rate for Christian citizens from the monopoly hitherto enjoyed by their heathen oppressors.[3] But there is no ground for the adoption of any such hypothesis: such a course would have been in absolute contradiction to the whole spirit of this assembly, which, if it erred at all, inclined towards an excessive asceticism and severity in their legislative action. They were in reality influenced by other considerations—by the fact that the office was not one which could be refused or avoided, according to personal preference and inclination: the duty once imposed by rotation or by election was inevitable, and the law inexorable, admitting no loophole for evasion.

§ 6. The office of duumvir was, as we have seen, almost the counterpart of the consulship at Rome, and has for its modern equivalent in Spain the post of "Alcaldes." The "Decurio," though the title does occur in Spain, was a less familiar official, and is mentioned in surviving inscriptions only five times as against 227 references to the duumviri. In one inscription, quoted by Gams, the titles are almost equivalent; but, as a general rule, the duties of the decurionate were legal, and those of the duumvirate municipal in character.[4] Besides their responsibility

[3] Elv. LVI. Hefele, vol. i. p. 181.

[4] "L. Lucretio Severo Patriciensi et in municipio Flavio Axatitano ex incolatu decurioni, Statuam, quam testamento poni sibi iussit, datis sportulis decurion—es [II. viri] M. F. Axatitani posuerunt." Masdeu, Coll. 704; in Gams, vol. ii. p. 115.

for maintaining order in their districts, the duumviri were answerable for the due collection of the local taxes; and in all probability were bound to make good any deficiencies that could be distinctly attributed to their indifference or want of rigour. They constituted the municipal senate, and from their number, and by them, the local magistrates were elected.

They would no doubt have to preside on occasions of public festivals and anniversaries; and possibly the care of the temples and the priesthood may indirectly have devolved upon them; though Hefele is ill advised in asserting that their exclusion from the Church must be referred to their patronage of idolatry. It would be a cause, but certainly not the sole cause; if that were so, the penalty would have been more severe. But the office, at all events, was burdensome in labour and in expense, involving also a large amount of unpopularity. So distasteful, indeed, was it to the ordinary citizens, that they resorted to every method of escape, even leaving their homes and taking refuge in the less civilised parts of the world, where such offices were unknown, and men lived as they would—subject to the laws of central Rome, which were always weakened, and often, almost inoperative, in the remoter parts of her vast Empire.[5] And when the edicts of Constantine, in

[5] (i.) For the sufferings of these officials, some of whom, in violation of their rights as Roman citizens, were roasted to death before slow fires to extort the contributions required, cf. Milman, Hist. vol. ii. p. 224. (ii.) When the exemption of the clergy was thus abused, two restrictions were imposed: (1) that

313 and 319, had relieved the clergy from this burden, and others of a similar kind, the coveted freedom drove large numbers of men into the ranks of the clergy, hoping by their office to purchase exemption. Others concealed their property to escape service.[6]

But at present no such exceptions were admitted, and every citizen outside of the senatorial families, and possessing twenty-five acres of land, or an equivalent amount of other property, was qualified and compelled to serve in his turn. Without a violent conflict with the civil power, it was therefore impossible at this time to keep Christian men by a penal edict of the Church from serving in this office; but, nevertheless, the concession in its mildest form was distasteful to the spirit represented by the Council. Tertullian enumerates acts which, though part of the common experience of all magistrates and rulers during that age, were inadmissible in the true servant of Christ. "As to the duties of civil power," he says, "the Christian must not decide on any one's life or honour—about money it is permissible; he must bind no one, nor imprison and torture any."[7] It was considerations of this nature, rather than the idolatrous associations connected

the number of religious charges vacated should determine the number of those appointed; (2) that none eligible on the score of wealth for municipal office should be elected. Cod. Theod. xvi. 2, 17, 19; and Milman, l. c. vol. ii. p. 314.

[6] Lecky, l. c. ii. p. 161. Gams, vol. ii. p. 114. Milman, Hist. Christ. vol. ii. pp. 313—315. Savigny, Römische Recht, i. 18. Theod. Cod. iii. 1—8.

[7] De Idol. xvii. xviii., cf. Pallio v.

with the office, which led the Synod to exclude the official, during his year of tenure, from communion with the Church: for to sentence even a slave to death, to imprison the debtor, or to put the household of a suspected criminal to the rack, though the duty of a magistrate, would in the Christian be a sin.

§ 7. Such was the temper of the time; but with the changes entailed by the new administration, further modification was inevitable; and as soon as the year 314, the Council of Arles takes a decided step in advance. By this date, Constantine had professed his loyalty to the Church; and even in the Eastern provinces almost complete toleration was secured to the Christian subjects of the empire, who, so far from finding their faith a disqualification for honour and office, were even aided by it in securing the advantages of worldly power and prosperity. Even before, as we have seen, they had occasionally held posts of public trust;[8] and now, such appointments would become general. What was to be done with a believer who was sent as governor, or, in his train of subordinates—"Præses" being the general term for all these grades of higher officers—to another province, in accordance with the traditional policy of Rome? And how was a man to be dealt with during his tenure of political or municipal office? The Council of Arles settles the problem in the following way.[9] "Believers who have attained the position of 'Præses,' shall on their promotion receive letters

[8] Euseb. Hist. Eccl. viii. 1. [9] Arles VII.

of communion from the Church, on the understanding that they shall be in the charge of the bishop of the district in which they may hold office; and if they begin to violate the laws of discipline, they shall then be excluded from communion. The same course shall be observed with those who seek municipal power." This is a great advance on the policy determined upon at Elvira: the governor is no longer debarred from Church fellowship during his tenure of office, and is even specially recommended to the ecclesiastical authorities of his province; by whom, if in his public or private life he violates the ordinary laws of the Christian Church, he is to be summarily dealt with. But in the absence of any such imputation, he retains all his privileges.

The new law may be briefly formulated: the believer is under the same obligation to serve his Master in public as in private life; and that Master claims supremacy in the whole life of the world, and not in a part of it. "On his head are many crowns," and He reigns in his own right over every province of human activity and thought. The Christian faith is not narrower than the Stoic philosophy, and can contain both an Aurelius and an Epictetus within its range.[1]

§ 8. The Christian's duty in reference to military service is certainly a most important omission in the acts of a Council which discusses questions more trivial in nature than this, which must have

[1] Mendoza, l. c. pp. 323—325. Gams, ii. pp. 113—115. Hefele, i. pp. 208, 209, and 181.

affected very large numbers in a country from whose people the flower of the Roman army had been drawn in earlier and in later times. It is not necessary, even if it were possible, to decide the grounds which led the Council to pass over the question in silence. They may have been anxious to avoid any occasion of conflict between a Government favourably disposed and a Church only recovering from recent persecution; or, on the other hand, the omission may be due—and this seems the most probable explanation—to an even balance of opinion in either direction; so that it was found advisable to leave the subject for further consideration at a subsequent time.

The general opinion of the early Church leaves no room for doubting what was their ideal, and the facts of history show with equal clearness what was the common practice. A life of obscurity and peace was from the earliest stages of Christian society considered as the true aim of the believer; and the Church, by prohibiting the introduction of arms into the sanctuary, and by imposing penance on those who had returned from a campaign undertaken in a just cause, forcibly expressed its disapproval of the military calling. We know also that many Christians either refused to take up arms at all, or at the decisive moment of action flung them down; and one of their apologists, while he admits the charge as true, replies "that the Christian renders the emperor a divine assistance when he puts on the divine armour."[2] Gibbon suggests, with some plausibility,

[2] Origen c. Celsum. Neander, i. 377.

that this custom was the most vital cause of the outbreak of the Diocletian persecution, and the hypothesis receives some support from the fact that it was against Christian soldiers that the earlier edicts were specially aimed.[3]

§ 9. But on the other hand, all authorities are at one in asserting that the number of Christians actually serving in the army was considerable. Tertullian, who looked upon war with no favour, distinctly asserts the fact, "Navigamus et nos vobiscum et militamus;"[4] and his statement is corroborated by legend and authentic history. "The thundering legion" may be a fiction; but unless there had been Christians, and many of them pursuing a military calling, the legend could never have originated, and would have found no credence. We may assume then the existence of Christian soldiers; and that as no special law laying them under special obligations was existent at the time of the Synod of Elvira, they were liable only to the ordinary discipline of the Church for common offences against its laws. Military service was not prohibited, but had as yet received no direct sanction from official sources.[5]

At Arles, however, we find a decree, the meaning of which has been the subject of considerable conflict, apparently referring to this same question.[6] In the Canon a penalty of excommunication is enacted against those "who throw down their arms

[3] Gibbon, c. xvi. [4] Apol. c. xlii.
[5] Lecky, l. c. vol. ii. 262—265. Neander, vol. i. pp. 377—379.
[6] Arles III.

in time of peace;" and the edict seems to refer to cases of desertion on the plea that the profession of arms is inconsistent with Christian duty. To meet this danger, and to prevent the hostile prejudice which would be its inevitable outcome, the Council of Arles expressly decreed that the believer was bound to serve the state in case of need as a soldier, and that desertion was not a duty but a crime, meriting disgrace instead of honour. Desertion in war would entail more serious consequences, and the offender would receive an instant punishment, relieving the Church of all responsibility. [Note A.]

§ 10. At Nicæa we find penalties enacted against those Christians who had served in the ranks of the heathen Licinius in the struggle with the forces of the emperor, and against those who, having once renounced military service, sought readmission to the army on account of the numerous privileges and advantages secured by the military calling. But at the same time, it is absolutely certain that the Church, while punishing these two classes of offenders, did not discountenance military service generally.[7] The Church now admits the possible identity of the soldier and the Christian, provided that his cause is good, and his motive pure; men who can be ranked in this category are under no disqualification on account of their allegiance to the imperial standard. It was possible for them also to be "just men," like the famous centurion; and if

[7] Cf. Hefele, "Rigorismus," Tub. Theol. Quart. 1841, p. 386, and Councils, i. pp. 415, 416. Cf. Nicæa XII.

they built the Church no sanctuary, they themselves might be the temples of the Holy Spirit, and as devout in their faith as their great example had shown himself before the glory of the new religion had shone out in its full brightness.

There remained but one more stage of development to be reached by the conscience of the Church in reference to this subject. In later Synods, at Rome in 386 and 402 A.D., and at Toledo in 400, we find that while no mention is made of the lay element in the Church, it is ordered that one who has served in war may not become a cleric; or, if the sub-diaconate is left open, he is debarred from the diaconate. The second of the Roman Synods assigns as a reason the laxity of morals inseparable from the military life; in the other cases no cause is stated; but it is clear that the lay Christian is not expected to refrain from what is considered incompatible with the character of the ecclesiastic. One of the Apostolical Canons in the same spirit orders the deposition of a presbyter or a deacon who devotes himself to military service.[8] Innocent, in his famous letter on the disorders of the Church in Spain, written 400 A.D., imputes as a grave offence the ordination of men who had been soldiers.[9] This is a good illustration of the effect of the tendency to asceticism already pointed out, reacting as a comparative laxity in general society. The development of asceticism and sacerdotalism undoubtedly preceded a debasement in the moral standard of the commonalty; and the Church re-

[8] Apost. Can. LXXXIII.

[9] Ep. iii. § 7.

cognised for the first time a double standard of virtue, the one required of its saints and its clergy, and the other of the mass of believers who composed the Church. In this way did the Christian conscience of that age for the time degenerate; though the inward obligation to holiness was again recognised in after-days as one and the same universally for all men.[1]

§ 11. There was still another office of importance, occasionally, if not frequently, held by professed Christians, though associated with duties absolutely incompatible with a pure and devout life—the post of Flamen. The distinction was often hereditary; and the regular transmission of the honour from father to son, continued through successive generations, invested the office with the attractions of domestic affection and family pride. Refusal or resignation would cut the last ties which bound the unfortunate possessor to his kindred and former friends; and there seems to exist reasonable ground for the supposition that such a course was directly prohibited by legal enactment;[2] in that case the obligation of the Flamen was as irrevocable as that of the Duumvir. And, whether the legal difficulty had to be encountered or not, the Christian would find motives sufficient to induce him to retain the office. The position was one involving expense, labour, and forethought; to ensure successful performance of its duties some faculty of organisation

[1] Hefele, vol. i. p. 825; vol. ii. pp. 45, 46; 79, and 88.

[2] Cf. Justinian's Code, and S. Jerome's "De Vita Hilarionis," quoted in Hefele, i. pp. 156, 157, and Aubespine, pp. 8—11.

and arrangement was requisite; while for the loss of time and money, abundant compensation might be anticipated in public honour and popular esteem. Hereditary sentiment, liberality, conscious power, and ambition, all prompted to the same course; to say nothing of the fear which the more prominent citizen would feel in publicly acknowledging himself an adherent of a new and despised sect. For a man of position, to renounce the ancient worship was no less dangerous than discreditable.

The temptation to retain the office was strong; and to counteract evil so pronounced, the Synod adopted the most peremptory measures of prohibition, with a scale of penalties graduated in severity to meet the varying exigencies of guilt in all its phases.[3]

§ 12. The second Canon of the Council, dealing with the offence in its extreme form, is remarkable both for its expression and for the light which it throws on the contemporary state of heathen ritual; it runs to the following effect: "Flamens who after the faith of baptism and regeneration shall have sacrificed, because they will have doubled their guilt if murder be added, and have tripled their sin if

[3] It is quite impossible that the title of Flamen can be here applied by analogy to Christian bishops. Vid. Ducange s. v. To say nothing of the incongruity of supposing the identity of a bishop and a catechumen [cf. LV.], it is clear that the contents of the Canons II. III. IV. LV. show that they are directed against Christians resuming or retaining their former sacerdotal positions in the heathen society. Cf. Bingham, xvi. 4. 8; and Dict. Christ. Antiquities, i. p. 679 a (s. v.).

immorality be involved, shall not receive communion even at death."[4]

The first part of the next Canon is most intimately connected with the preceding, and must stand by its side: "Furthermore, Flamens who have not offered human sacrifice [immolaverunt], but have only given a simple offering [munus], because they have kept themselves from deadly sacrifices, shall receive communion at death, supposing due penance to have been performed."[5]

§ 13. To comprehend all that is involved in these brief sentences, it is necessary to recur for a moment to the actual state of heathendom as it existed during the fourth century. It is too often assumed that paganism, as it approached its final fall grew purer and gentler, divesting itself of the abominations and horrors which had caused the best and brightest spirits of former ages to recoil from it in loathing and disgust. Nothing could be more contrary to fact; and in the title of one Canon and the contents of the next, there is clear evidence that some of the worst practices of antiquity were still retained in common or occasional use. What had happened in Spain may find a parallel elsewhere. The country had been completely Romanised in literature and in speech, and had all the surface civilisation of Italy itself; at least, throughout the southern provinces. But religion was more tenacious, and survived when little else was left. The people had indeed accepted the gods of Greece and Rome, paid them due honour in temple and in worship;

[4] Elv. II. [5] Elv. III.

but still preserved the deities of a more ancient date, derived from the religions of Phœnicia and Libya; they amalgamated the different systems, transferring the attributes and titles of the old dynasty to the new, and retaining the fiercest and foulest rites of the former dispensation under its successor.[6]

§ 14. A detailed investigation of these elements of heathen faith would be altogether superfluous in connexion with the immediate subject, but a few instances of the results of this process will give sufficient illustration for our purpose. The importance of Hercules as a national deity in Spain has been fully recognised; the traces of his worship survive in ruin, inscription, and local legend. But the Hercules of Spain, whose temple has been traced at Tarraco within the last few years, and who possessed countless altars and shrines throughout the land, was not the toiling, patient god of Greece or Rome. His mission was indeed the same —to purify the earth of plagues; to clear it of monsters and of all hurtful and dangerous creatures; but the Hercules of Greece was gentler than the kindred deity of Phœnicia—the stern, relentless god of fire. And it was to the latter that Hercules-Melkart, once famous at Cadiz, had closest affinity, thus associated and almost identified with the Baal and Moloch of the east. Closely allied, again, stands Artemis-Tanais, the fire-goddess, equivalent to Astarte-Tanais of the Phœnicians, and worshipped

[6] Gams, vol. ii. pp. 39—42. Cf. Döllinger, "Jew and Gentile," vol. ii. pp. 100—165.

as such. [Note B.] There was also El-Saturnus, another product of the double religion. To multiply examples of this kind is unnecessary; but it may be noticed that other deities were adopted from the foreign systems without any conscious identification of this character. Thus Salambo was worshipped in Spain and at Rome, apparently without any suspicion that the goddess was in reality Aphrodite in her lamentation for Adonis. Nethos, too, was honoured at Acci in a similar way. To almost all of these deities it was customary to make human sacrifices. On special days of festival, at the initiation of great undertakings, and in the purification of cities, El-Saturnus used to receive a tribute of girls, often violated before they were slain; and Artemis-Tanais shared the same honour. The "fire of Moloch" is a familiar phrase, and the original attributes were retained, at least in part, by his Spanish representative.[7]

At Cadiz, as Gams reminds us, Hercules had a great temple; and the cult would survive even when the faith was nearly extinct; the husk is the last thing to fall, and yields only to a strong wind. But at this time Cadiz was probably not a Christian town; and as it certainly sent no representatives to Elvira, we may assume that there was no Christian Church in that great centre of heathen worship, where the passion of the populace against all disturbers and opponents of their faith was fierce and vehement.[8]

[7] Movers, Religion und Göttheiten der Phönicien, vol. i. pp. 301—303, 401—414, 585, and 625.

[8] Cf. Pliny, N. H. xxxvi. 4—12, "Nec in templo ullo Her-

Salambo, at Rome itself, under the Emperor Heliogabalus, and at his instigation, had been worshipped "in the Syrian fashion"—as Lampridius tells us—with processions and human victims: to intensify the horror, children of rank and beauty were specially sought for the purpose throughout all Italy.[9] Nor would she fail to receive in Spain what was conceded in Italy.

Indeed, Movers[1] expressly asserts that girls were offered to her, as part of the established ritual. It is remarkable how even in the most degraded superstition we find the same involuntary testimony to the mysterious dignity of human life. To it is assigned an incomparable value, adequate to propitiate the divine anger when all other gifts and offerings fail; and to the expiring agony of human nature, strange virtue was attributed for the revelation of the will and purpose of heaven. Sacrifice and divination made this unconscious acknowledgment of the very principle which they violated.

§ 15. In the rites of this impious worship the Christian Flamen would at times have to take part; and it might even be his special duty to imbrue the sacrificial knife in the blood of the human victim. But his presence at such a ceremony, in an official

cules ad quem Pœni omnibus annis humana sacrificaverunt victima, humi stans, ante aditum porticus ad nationes." Viator, the heathen, who caused Servandus and Germanus to be arrested and taken before the authorities, came to this town on account of the temple of the god, A.D. 305. Gams, vol ii. p. 41.

[9] Cf. "lectis ad hoc pueris nobilibus et decoris per omnem Italiam patrimis et matrimis," Lampridius, c. viii.

[1] Movers, l. c. vol. i. p. 625.

capacity, would involve him in the deepest guilt: to witness, without an indignant protest, would be an implied sanction. The idolatrous offering would, in itself, be a deadly sin, involving excommunication; but the sin of idolatry might be aggravated by this human murder, or still further intensified by such immoralities as we have already mentioned, in which honour was sacrificed as well as life.[2] This was a triple sin; and though the Church had no heavier penalty to inflict upon offenders so degraded than permanent exclusion from communion, it did not refrain from branding the terrible enormity of the crime. In this one offence were combined the three deadliest sins—idolatry, immorality, and murder; to which mercy was, at this time, rarely or never accorded.[3]

§ 16. Some Flamens, however, who continued to hold the office in violation of the laws of the Church,

[2] There can be no doubt but that "immolare" = "hostiam humanam sacrificare," occurring, as it does, in the title of Canon II., and in the contents of III. in connexion with "funestis sacrificiis." This fact rather makes in favour of the hypothesis that "munus" is a simple gift as contrasted with a sacrifice. The games of the arena might involve all these sins here enumerated, though in a secondary degree; but, on the other hand, the penalty would be excessively severe for an act so trivial in itself.

[3] Cf. Council of Jerusalem, Acts c. xv., and the command to abstain from (1) things offered to idols, (2) fornication, (3) blood. Augustine, De Fid. et Op. xix., combines "impudicitia, idolatria, homicidia." With these vices the Christians were often falsely charged by the heathen. Cf. Tert. Ad Nat. cc. xii. xiii. xv. xvi. Mendoza, l. c. pp. 137, 138.

Mœchia, *μοιχεία*, is a general term for impurity; not adultery specifically. Cf. Augustine, Exod. c. lxxi. Migne, xxxiv. p. 622

were more scrupulous in their conduct; and while they discharged the ordinary duties of their official position, were careful to abstain from human sacrifices. Nevertheless, they made no scruple in the case of ordinary offerings; nor did they disburden themselves of the cares of the sacred processions and gladiatorial shows, which devolved upon their order. Much of the expense, certainly was defrayed by them, either from trust-funds bequeathed for that purpose, or from their own resources.[4] Such conduct was not suffered by the Christian Church to pass without the severest censure; for it involved an intimate connexion with the armed combats in the arena, which were a secondary form of murder; and with the stage-plays, in which the grossest obscenities were represented before the assembled audience. This was intolerable in a society which disqualified even the contractor who undertook to supply the beasts for the altars of the state, and the offender was excommunicated during life, only obtaining reconciliation and restoration in his last hours.

§ 17. A special provision, standing as an appendage to the main subject of the Canon, has given rise to considerable debate and unnecessary confusion. This portion of the decree enacts that a believer, who had thus received the communion when to all appearance life was for him a thing of the past, but survived by an unexpected recovery, should by any act of personal immorality forfeit, and then irrevocably, the standing and the privilege

[4] Tert. De Spect. xii.: De Idol. c. xvi.

he had regained. The sin now alluded to is not that committed in his official capacity as Flamen, but in his own private life; proving that his professed repentance was not genuine. If, with recovered health, the offender resumed the forbidden office, there could be no doubt as to his absolute impenitence. The provision undoubtedly was suggested by some special case which had come within the experience of some members of the Council, who were perplexed as to their true course of action.[5]

§ 18. In some instances the Flamen might happen to be one not yet admitted into the full privileges of Church fellowship, but still included among the catechumens. If he continued to exercise his official functions, his term of probation was extended from two years to three,[6] with the implied addition of due penance; on the principle laid down by Clement, that the Christian must first depart from inconsistencies and then be introduced to the mysteries.[7] At any rate it is obvious that the fourth Canon has no reference to the subordinate clause of the preceding Canon: the other hypothesis would entail an irrelevant allusion to sexual sin, and an incongruity between the provisions contained here and elsewhere.[8]

§ 19. There is one other allusion in the acts of the Synod to offences committed by those who held this, or a similar office. Some baptised Christians,

[5] A similar penalty is decreed against repentant mœchi who again offend.

[6] Elv. IV. XLII.

[7] Cf. Const. Ap. vi. 40.

[8] Cf. Elv. IV. and XLII.

more scrupulous than those who shared in the responsibility of the games, retained the title of their office, but made no offering, though they wore the sacrificial crown, and sanctioned the idolatry by their presence. The crown, which was originally dedicated to the god, but had then been transferred to the victims and the celebrants, was now worn even by the bystanders who took no actual part in the sacrifice.[9]

This compliance with heathen customs was punished by two years' exclusion from communion with the Church. The Apostolical Canons supply a fair parallel to this prohibition, expressly enacting that a Christian who has supplied oil for the rites of the heathen, or to a synagogue of the Jews, or has lighted their lamps, shall be excluded from communion. Tertullian insists that to give "merum sacrificanti" is equivalent to an act of idolatry. At a later date, public opinion became still more severe against offences of this order, and under the Theodosian laws, as the historian points out—"to offer a sacrifice was to commit a capital offence; to hang up a simple chaplet was to incur the forfeiture of an estate."[1] Not yet had the Church become invested with the sword and sentence of the secular law; and in its present temper, such powers could not have been used without a distinct violation of the most fundamental principles of its unwritten but

[9] Cf. Becker, Gallus, Introduction, p. vii. Pliny, N. H. xvi. c. iv., and Tert. De Cor. c. x.

[1] Apost. Can. LXX. Tert. De Idol. xvii. Lecky, l. c. vol. ii. p. 210.

acknowledged code: punishment for sins against religion must be purely religious in its character.[2]

§ 20. We have now examined in detail the relations which existed between the Christian Church and the secular organisation of the State. The modification which that structure was about to undergo could not fail to affect in a corresponding degree the policy of its rival power, and before long the services of the Christian clergy were sought in the difficulties and dangers of national life. Permanent exclusion from civil activity was in the nature of the case impossible, and at Elvira we can see the first beginnings of the movement of the future. But in the social relations of man to man, change was less essential, and the policy of the Synod might be reasonably expected to survive for a considerable time—until, at any rate, heathen society had been permeated by the new influence of the new faith.

The experience of the past few years could not have failed to make it clear to the Spanish Christians that the Church was secure only so long as its spiritual unity was maintained entire, and that every associate out of sympathy with its spirit and

[2] Aubesp. in Mansi, ii. p. 51 Mendoza, l. c. p. 319. In Canon III. it is difficult to suppose that "munus dederint" applies to those who had not actually sacrificed, but by a gift to a magistrate had procured letters of immunity. As Flamen, he could not escape from his responsibilities by becoming one of the "Libellatici." There is more probability in the suggestion that the phrase refers to the gifts often bestowed on the priests "who took their begging gods from street to street." Cf. Movers, Phön. i. p. 655; Gams, vol. ii. p. 55; Mendoza, l. c. pp. 142, 143; and Juv. Sat. iii. 15.

aim was not only an annoyance but a danger. In the time of persecution, so far as this special source of weakness was concerned the Church had suffered but little; now, with the return of the warmer winds and softer skies of outward security and prosperity, fissures and cracks began to open in the structure, so compact during the winter season. If the Christian community could have removed to some remote region uninhabited by mankind, or could have lived a life of perfect isolation among the nations of the world, the difficulty which now faced it would have vanished; but the conditions of existence were as unchanging as the laws of the physical universe, and no miracle now occurred to suspend the operation of one or the other. Though they were to be "not of the world," they must remain "in it," without the possibility of escape. On this assumption, how was the Church to ensure the most complete immunity from the influence and attractions of that outside world? For every tie by which a Christian was bound to it was a menace of danger, if it were not harmful in itself. The true aim of the Council of Elvira was to base the social life of the community upon principles which without revolutionising the actual condition and organisation of the social fabric, should yet secure its members against the special entanglements which would draw them away from their faith and from their friends.

§ 21. In the world outside the pale of the Church were comprised three great classes—unbelievers, heretics, and Jews; and with each a definite and

distinctive method of treatment was employed. To speak more correctly, the method was the same in principle; though in application the severity of the means varied in proportion to the danger to be apprehended from each source. At present, indeed, the restrictions applied were confined to the personal and social relations of life; those of commerce and trade were left untouched. We see that while marriage with these religious aliens was in certain cases prohibited, a Christian was as yet under no obligation to refuse to enter into business relations withan unbeliever or a Jew, provided that such association was not necessarily immoral in itself or its consequences. Thus it was perfectly legitimate for a Christian to retain slaves that were heathen, or to let out his land to an unbelieving tenant;[3] though it would have been irregular to keep slaves engaged in the adornment and decoration of the temples, or a tenant who used the land to breed oxen specially for sacrifice. Without these evil accessories, such relations were not forbidden, though they would hardly be encouraged. In the closer intimacies of life the peril of such intercourse was not so insignificant that it could be neglected with safety. Where the case was one of daily and familiar intercourse, and of companionship in the cares and relaxations of life, the union was a source of the gravest danger; and in marriage, absolutely fatal. In that close association of natures, enthusiasm would soon change to indifference; and indifference, to positive hostility. And of all assaults to which

[3] Elv. XLI.

Christian faith in man or woman was exposed, none could be more fatal than that which came concealed in the tenderness of a devotion, daily and hourly to quench the old aspirations and beliefs, till the soul surrendered all to the love with—

"Eyes that help me to forget." [4]

The prohibition of marriage with outsiders was inevitable; and it did not lead to any sudden convulsion in the state of society. The most important security could be won at the smallest cost—leaving out of consideration that pain and suffering of hearts united in affection but divided in faith, which must endure so long as truth and error survive.

§ 22. The Synodical Canons prove beyond all doubt that the greatest danger was anticipated from the side of the Jews; for the regulations affecting them are the most numerous and the most severe. The motives by which the Fathers of Elvira were actuated in their policy have been variously interpreted according to individual sympathy. All authorities are agreed in acknowledging that the Jewish community in Spain was at this time both large and influential. Tradition reports them to have first settled in the country during the reign of Solomon, in the pursuit of commercial enterprise; while another version assigns their arrival to a legendary conquest of Spain by Nebuchadnezzar. At any rate, they came over in large numbers from Africa during the century before the birth of Christ,

[4] Browning, Christmas Eve and Easter Day.

and rapidly spread through the land, attaining special importance and influence in the centres of commercial industry. They would be joined by large reinforcements of their more unfortunate countrymen, shipped over to the west after the campaigns of Titus and Vespasian in Palestine, ending in the final capture of the holy city itself, and its entire overthrow. Graetz sets the number of the captives sent into this slavery at 80,000, but his estimate is excessive, if the figures of Josephus are in any degree trustworthy. At Jerusalem the proportion of the captives to the slain was about one in ten; and though it would be greater elsewhere, yet accepting a million and a half as the gross sum of those who perished from first to last in the country and cities of Palestine, even 200,000 would be a number insufficient to account for the transportation of 80,000 to one country alone.[5] He also lays great stress on the evidence supplied by local names in Spain to substantiate his assertions on this score, and points to the fact that Granada and Tarraco were once specially designated "the cities of the Jews;" while in Cordova there was a "Jews' Gate," and at Saragossa a fortress, "Ruta al Jahud," with similar associations. He further sees in the name Toledo an etymological derivation of the Hebrew "Taltel"—exile, and asserts in explanation that the Jewish slaves, who were its builders, thus associated it with their banishment in a strange land; and in the names of the cities of Escaluna, Maqueda, and Jopes he traces the corresponding

[5] Milman, Hist. Jews, c. xvi.

originals Ascalon, Makeda, and Joppa.[6] But in ascribing the nomenclature to Hebrew influence alone, he leaves out of consideration the connexion of the land with the Phœnicians, which had subsisted from the earliest times.

§ 23. The main facts, however, with which we are concerned, need no additional proof. The Jewish population had been considerable for several centuries, and had without doubt been increased by the operation of Claudius's edict expelling the Jews from Rome; for the outcasts would flock to the chief resorts of their countrymen.[7] And the Jews were not only numerous, but active as well. For though Gibbon is justified in his generalisation that "the Jewish religion is admirably fitted for defence, but never designed for conquest,"[8] in the present instance it is a well ascertained fact that the Jews gained more by proselytes than they lost by apostates. At this particular time, indeed, they were gaining converts of importance and distinction, and carrying on a successful aggressive movement against the Christian Church in Spain.[9] Where they could not gain, they disfigured; and to their evil influence much of the subsequent Arianism which infected the Spanish Church, was due.[1]

From these facts, and from the legislation of later Councils, such as the third and fourth of Toledo, it

[6] Graetz, Gesch. d. Juden, vol. v. p. 67 foll. and pp. 440—442. Hefele, Ximenes, pp. 256, 257.

[7] Suet. Claud. c. xxv.

[8] Gibbon, c. xv.

[9] Jost, Gesch. der Juden, vol. v. pp. 32, 34.

[1] Cf. Helfferich, West-Goth. Arianismus, p. 69 foll.

is clear that the struggle was a severe one, and that the Church had to use its utmost energies. As yet, the methods are lawful; and the intolerance which interdicted Christians from being present at "their festivals, banquets, marriages, and baths;" and their employment as "nurses, physicians, marriage-agents" [matrimoniorum proxenetas], or in public and scholastic posts, has no part in the tactics employed against them.[2] But even this instalment of separative legislation is bitterly resented by the Jewish historians; and Jost charges the Church with a jealous desire to weaken the power of the Hebrew faith by means fair or foul; while Graetz, with a naïve simplicity, laments that before conversion the Spaniards did not consider the Jews as a God-forsaken people whose intimacy was to be shunned. On the contrary, both sections of the community, he asserts, lived in a happy intimacy and unity, which lasted till the Christian priests, elated by imperial favour, had an opportunity of venting their malignant envy upon an isolated and powerless people. But the historians, in this connexion, are wisely silent about the proselytising activity of the Jewish leaders; and observe a discreet reticence as to the part often played by Jews as informers and spies in the recent persecution. The scene at the martyrdom of Polycarp may serve to illustrate the real state of feeling, in portions at least, of the Hebrew race. There is no ground to impute to the fathers of Elvira any exaggerated "Juden-Hass;" they saw a danger in the free inti-

[2] C. Basiliense, Mendoza, l. c. p. 309.

macy of the two faiths, and they restricted it by provisions in which there was neither cruelty nor injustice: their efficiency for securing the end desired is more questionable. At any rate, it was found necessary to re-enact them on more than one occasion; and time only diminished tolerance. Lecky traces the animosity between Jews and Christians back to the "calamities that fell upon the prostrate people" at the siege of Jerusalem and elsewhere.[3] But he puts the case strongly when he says that "the Jews laboured with unwearied hatred to foment by calumnies the hatred of the Pagan multitude." As he himself shows, the Christians were regarded as a mere Jewish sect, and included in the general contempt and dislike which the separatist "followers of Moses" always provoked. There would be more than one Gallio among Roman officials, and a sectarian animosity would be discountenanced.[4]

§ 24. At present, intercourse was put under general restriction, and confined to the narrowest limits; the Synod now making it a penal offence for a Christian in full communion, either of the clergy or the laity, to take food in company with Jewish associates. The prohibition, and the indefinite punishment attached to its violation—a suspension from Church fellowship for the correction of the offender—would have the effect of setting a barrier against all free social intercourse and mutual hospitality between Jews and Christians, while it still

[3] Merivale, Romans under the Empire, vol. viii. p. 176.

[4] Juv. Sat. xiv. pp. 102—105. Lecky, Eur. Morals, vol. i. pp. 442—447.

allowed them to meet in the relations of commercial life.[5] Jost's view, that the measure was one of retaliation because the Jews would not take meat in the homes of Christians, misses the drift of the general policy adopted by the Synod in this matter.[6]

Marriage between Christians and Jews it was essential to restrict, and special provision was made to prevent all such alliance. As the parents of the bride were considered responsible for engagements of the kind, and were even punishable by the fifty-fourth Canon for breach of contract in betrothal, the penalty, and that a severe one, of five years' suspension from communion with the Church, falls upon them. A woman so marrying, or a man, would of course be cut off from the Church altogether; but the Council seek to anticipate the danger at the very source, where prompt and stern action might check effectually its development. Subsequently, such mixed marriages were punished in much the same way. At Toledo, Jews with Christian wives are to become Christians, or to be separated; and

[5] Elv. L.

[6] Gesh. der Juden. vol. v. p. 34. The Canon is repeated in a very similar form at many Councils in Spain and Gaul, and elsewhere. The thirty-seventh Canon of the Council of Laodicea [343—381 A.D.] forbids the acceptance of festal presents [feriatica] from Jews or heathen, and the presence of Christians at their assemblies. In a spurious Nicene Canon [52 apud Alfonsano Pisanum] the intercourse is prohibited on the ground of usury; but all charges of this order, and the animosity by which the third and fourth Councils of Toledo are characterised, are happily absent here. Cf. 3 Toledo LVII.—LXIII. A.D. 633. Hefele, vol. iii. pp. 85, 86. Mendoza, l. c. 307—309.

at the Council of Clermont, husband and wife are formally excommunicated.[7] In the matter of marriage, Jews and heretics are placed in the same category; and for parents to contract such an alliance for their daughters is considered a serious offence: the law of the Church not only forbids, but punishes it. But it will at once be noticed that the fifteenth Canon, which prohibits similar marriages with the heathen, fixes no penalty for its violation, while its wording suggests a recommendation, to be enforced by the moral sense of the community rather than by judicial condemnation and sentence. The phraseology of the Canon is instructive in more than one way. For, in the first place, it accounts for the repeated reference to the case of the woman, while that of the husband is at the most only included by implication.

§ 25. The number of women among the Christians of this age was large in comparison with that of the men; and so while the latter could easily find wives within the Church, the others must either go outside or remain unmarried. The second alternative was clearly objectionable. It would be a source of constant danger and temptation to those whose celibacy was a matter of compulsion, not of choice; and at the same time it would seriously cripple the Church in its development by the operation of the natural law of growth among its first adherents. A certain measure of evil was inevitable: how could it be reduced to the narrowest dimensions? One distinction between the position of the heathen and

[7] Elv. XVI. 4 Toledo LXII. C. Arvernens. [Clermont] VI.

that occupied by the Jew and the heretic was of vital importance. The Jew and the heretic possessed positive convictions, and a rigid system of worship; while they also, as compared with the masses of the heathen in Spain, were insignificant in number, and associated together in narrow communities, where the influence and power of the sect were paramount.[8]

§ 26. But the hearts of many heathen were possessed by no strong conviction. A man might conform with the outward ritual of sacrifice or worship, though he attached no meaning to the act; he might frequent temples which, for him, had outlived the gods whose names they bore, till at last the slightest shock would avail to shatter his mouldering faith in utter and irrevocable ruin; at the sound of a Christian hymn, or through the imperceptible power of daily intercourse, it would vanish away, unable to withstand—

> "Some casual shout that broke the silent air,
> Or the unimaginable touch of time."[9]

Even though he himself might not yield to the attraction of a nobler faith, the unbeliever had a large measure of tolerance or indifference; and with his "half belief in his casual creed,"[1] he would

[8] On the Jewish community and its organisation, cf. Hatch, Bampton Lectures, pp. 57—61.

[9] Wordsworth.

[1] There would be many a man also—to borrow the description of the same poet and essayist—who accepted the creed and ritual of paganism, not "as the literal and beautiful rendering of what he himself feels and believes," but as an approximate rendering of it; as language thrown out by other men, in other

consent to leave his wife undisturbed in her religion, or might allow his children to be brought up in her faith.

The offspring of a mixed marriage was not seldom Christian; and the union, though not free from those inconveniences on which Tertullian dwells with such force, was often most happy in its results on both sides; and father and children alike were one with the mother in faith and in life. Care and forbearance would indefinitely modify the incompatibility of such a union, which might at the worst involve differences concerning dress and conversation, and all the details of daily life, the collision of Pagan festivals and Christian fasts, in addition to the natural reluctance of a husband to allow his wife to attend mysterious rites in the darkness of the night, or to visit unknown men in prison, poverty, or sickness.[2] Such antagonism would, however, be rare; and in a more settled state of society the difficulties would be greatly diminished.

But no lapse of time would have any such effect in the case of a Jew or a heretic; and such a union would expose the wife to the whole influence of sect and synagogue, and to the positive convictions of a

times, at immense objects which deeply engaged their affections and their awe . . . objects concerning which, moreover, adequate statement is impossible." Arnold, Last Essays, p. 36.

Such natures would suffer from the "offendiculum of scrupulousness" as lightly as Mr. Arnold's own ideal Christian clergy.

[2] Tert. Ad Uxor. ii. c. 3, 4.

nature as strong as her own. The danger to be apprehended in this case was greater, and the gain was, owing to the inferiority in numbers, of much less importance; and thus the restriction which was made definite and direct in the case of the Jew and the heretic, was somewhat relaxed for the heathen.[3] In Africa, the same preponderance of women over men [copia puellarum] limited the prohibition to the daughters of the clergy.[4]

§ 27. There was, however, one special exception, made in the case of a pagan priest, where such marriages were absolutely prohibited. Most of the mitigating circumstances already enumerated could not possibly exist in a union of this nature; and the priest, by his sacerdotal functions, would incur special guilt, involving his wife and family in heathen associations and in the sins of his own calling. But the honours and exemptions enjoyed by the priesthood would exercise a special fascination over the minds of Christian parents, who are therefore made liable to the deterring penalty of life-long excommunication.[5] It is not necessary to suppose, with Gams, that the wife must necessarily have shared in her husband's official sacrifice; it was sufficient offence that she should acquiesce in the idolatrous rites by

[3] At Arles, girls who marry heathen are excommunicated for a time; and the Canon relates to them, and not to the parents. It enforces a penalty, though a vague one; the Elviran Canon does not. Arles XI. Cf. München, Bonner Zeitschrift, vol. xxvi. p. 6.

[4] Hippo. XII. Mansi, vol. iii. p. 921. Lecky, Eur. Mor. vol. ii. pp. 374—378. Bingham, Antiq. xxii. 2, §§ 1, 2.

[5] Elv. XVII. Gams, vol. ii. p. 71. Mendoza, l. c. pp. 193, 194.

union with their ministrant, and bear sons to succeed to their father's office and honours.[6]

§ 28. There is another Canon,[7] affecting a question of cognate nature—the adultery of a believer, married to a Christian wife, with a Hebrew woman. A distinction is clearly drawn between adultery with a Christian, a sin on which five years' suspension was imposed,[8] and the same offence committed with one outside the pale of the Church. In the case of a personal confession the penalty here is undetermined; but Mendoza, arguing on the analogy of the seventy-sixth Canon, completes the parallel, and assumes a three-years' penance in LXXVIII., to correspond with that imposed in LXXVI.[9] At any rate, it is clear that on this offence a lighter penalty was imposed, and the only possible explanation is that the Church of the fourth century regarded sexual sin with an unbeliever as a more tolerable offence than the same act committed with a Christian believer or even a heretic.[1]

§ 29. So far we have been occupied by questions relating to heathen, heretics, and Jews in common; we now come to a special case arising out of the relations subsisting in Spain between Jews and

[6] It is unnecessary to enter upon the questions discussed by Gams at some length, arising out of the marriage of Christian women of noble family with Christians poor and of low rank, or even slaves. The law of Rome prohibited such alliances, which were however recognised in the Church on the decision of Callistus I. Vol. ii. pp. 68—70.

[7] Elv. LXXVIII. [8] Elv. LXIX.

[9] Mendoza, l. c. p. 388.

[1] Hefele, vol. i. pp. 190—191.

Christians. The Canon is obscure in meaning, and has occasioned considerable controversy at all times. It is advisable to quote the exact terms :—

"It has been resolved to warn landholders not to allow their harvest [fructus], which they receive from God with thanksgiving, to be blessed by Jews, that they may not make our blessing invalid and of none effect. Any one who shall have been guilty of so doing after this prohibition, shall be utterly cast off from the Church." [2]

Everything turns upon our explanation of the words "fructus . . . a Judæis benedici," and our interpretation of this part must fix the sense of the whole.

Basnage's view must be summarily dismissed. He interprets the prohibition as aimed at the Jewish tenants, who took the first-fruits of the harvest to their synagogue to give thanks with the offering. But they would be free to act in this matter on their own responsibility, just as the heathen tenant would be allowed at his own cost to offer sacrifice to his tutelary deities to ensure the safety of his crops;[3] no restraint was put upon their freedom of action; it was the Christian, and he alone, whose conduct could be called in question, except as the responsible master and owner of slaves, and even in that case a considerable degree of laxity was admitted.[4]

Jost gives a different explanation, and points us to the Jewish custom of thanksgiving at meals and

[2] Elv. XLIX. [3] Cf. Elv. XL.

[4] Basnage, Histoire des Juifs, viii. 4. 10; vol. v. pp. 33, and 327, 328.

on special occasions of social festivity; one acted as leader to the company, and the others responded, so that the ceremony was formal and impressive. And though the greater proportion of the Spanish Jews was to be found in the industrial and commercial occupations, a large number would be engaged in agriculture; and as tenants or servants of Christian landowners, these would take part in the festivity of the harvest-home, at which the finest fruits were set before the assembled guests; while the character and nature of the viands would admit of their presence without any violation of the Jewish ritual. At the table they observed their custom, and thus a double blessing was pronounced, and separate thanksgivings offered, to Jehovah, and to the Eternal Father of the Christian believers. This custom was a grave offence to devout Christians, who, in the words of the Council of Laodicea, thought it "a sin to accept the blessings of heretics, since they are rather curses than blessings;" and ranked the God of the Jews among the "deos nationum." [5] At the same time they were actuated by the belief, either their own or one of common acceptance, that the one blessing anticipated and invalidated the other; there could be no reconciliation of the grace of God with the blessing of any other deity. And to check and eradicate a practice of such danger, the severest penalty at command was applied in a spirit of superstitious jealousy.

[5] Laodicea XXXII. Cf. Tert. De Idol. xxii., "Benedici per deos nationum, maledici est per Deum."

There are objections of considerable weight against such an interpretation. For in the first place, "fructus" has a wider application than to a portion of fruit and grain set on the table at a convivial gathering; and secondly, such an assembly, under one roof and at one table, of Jews and Christians, is expressly prohibited by the next Canon. "Fructus" is not the "harvest-home," and if it were, either Jew or Christian must have been absent; in which case this injunction would have been superfluous. It is far simpler to apply the prohibition to an actual "blessing" of the harvest-fields, partly, no doubt, intended as an expression of gratitude to the Creator, but also not without a possible admixture of superstition, as a protection against the magical tampering with the harvest, which, in a land so devoted to sorcery and witchcraft as Spain, would be an article in the popular creed. Even the laws of Rome prove the existence of the superstition; and if it survived anywhere, here it could not have become extinct.[6] But the provision was at least intended to prevent the fields being blessed by the adherents of hostile faiths, and with different rites and ceremonies. The Fathers of Elvira could not have believed that the blessing of the Jewish priesthood might supplant their own with God, as Jost asserts, because they would not identify their deity with that of the Jews; they did fear

[6] Cf. Rein, Criminalrecht der Römer, pp. 901—910. "Fruges excantare," XII. Tab., Pliny, N. H. xxviii. 2. "Carmine læsa Ceres sterilem vanescit in herbam," Ovid, Am. iii. 7. 31, and "Alienam segetem pellicere," Servius, Verg. Ecl. viii. 99.

that it would make their consecration useless and futile.[7]

§ 30. This same principle, that the Christian is not to sanction a false worship by act or consent, has another application in the fortieth Canon, which is intended for the guidance of landowners in their dealings with heathen bailiffs or tenants. The prohibition has been variously explained. Some authorities erroneously interpret it as a direction to the master not to allow his tenants or agents to buy flesh for idolatrous offerings; others, with Hefele, that the landlords, receiving their rent in kind, are not to accept anything offered to an idol; a theory absolutely incongruous, for what has been consecrated to the idol will hardly return to the landlord. Others, again, in the same sense, see a repetition of the old command given to Gentile converts that they should "abstain from things offered to idols;" but there is not the remotest reference to any custom of the kind. The provision deals with a purely business transaction, and applies as much to payment in coin as in kind. These commentators have stumbled through ignorance of the technical phrase "accepto ferant," which is really equivalent to our "credit with;" it is to enter something on account to the good of the debtor. The state of the case was really this. The heathen

[7] The Jews were intimately connected with magic and sorcery; and if they could ban, might they not also bless? Milman, Hist. Jews, bk. xx., accepts Jost's view. Cf. Mendoza, l. c. p. 307. Gams, ii. pp. 107—109. Hefele passes over without comment, i. p. 158.

agent, tenant, or bailiff made his due offering to Pan, Vertumnus, or Flora, or to some other agricultural deity, to secure divine protection for the fields and crops. In the business-like religious system of Rome, the transaction between man and god was as prosaic as a modern insurance against damage by fire or hail effected on ricks and standing corn. A passage in Columella's treatise on husbandry shows that such duties and precautions were often, perhaps usually, left to the actual cultivator. "An agent," he says, "must not offer sacrifice except at his master's orders; nor shall he have recourse to wizards and witches, both of which sorts by idle superstition drive ignorant minds to extravagance, and so to crime." [8] When quarter-day brought round the reckoning, the tenant would demand that in the settlement of accounts he should be credited with these legitimate expenses, and a corresponding deduction made from his rent. This custom the Canon disallows; the landlord's capital is not to be invested even at secondhand in idolatrous worship; and if he offends, five years of excommunication are the penalty. Directly or indirectly, by participation or by mere authorisation, idolatry was a grievous sin, in catechumen as in Christian; and this offence was on a level with taking contracts for the supply of victims, assigning the temples to caretakers, or administration of their revenues.[9]

[8] Columella, De Re Rustica, i. p. 8.

[9] Ambros. Ep. lii. Ad Eug. Migne, vol. xvi. pp. 1174—1178. Tert. De Idol. c. xvii. Mendoza, l. c. p. 288. Gams, ii. pp. 102, 103. Hefele, i. p. 173.

§ 31. Such then was the duty of Christian landowners in their relations with tenants or agents; but there remained another question for settlement—how the master was to act towards slaves who were heathen, and kept their idols in his house. Unbelieving slaves were evidently very numerous, as may be inferred from the latter part of the Canon; but Gonzalez Tellez is mistaken in his supposition, based on this decree and the words "adstanti omni plebe" in the opening formula, which he misinterprets, that all the free population of Elvira were believers. The slaves were not the only class in the town and neighbourhood which had not yet broken with heathendom; there were citizens as well as slaves who were still wedded to former superstition and ancient error. But if unbelieving slaves were numerous, so were the objects of their worship. Every chamber in the house was infested with idols, and so were all parts of the city: "the squares and the courts, the baths, the inns, and our very houses, are full of them; and Satan and his angels have possessed the whole world," says Tertullian. In another treatise too he points to the existence of such gods as Cardea, Forculus, Janus, Limentius, and Apollo Thyræus, connected with the threshold, gates, and door-hinges; in fact every detail in the domestic furniture and fittings had its own special patron deity. In the treatment of these household gods their votaries showed little veneration, and indeed not even delicacy. "Your household gods, as you call the Lares," says the same stern teacher, "you treat as household chattels; you pawn them,

sell them, transform them; turn Saturn into a frying-pan, and Minerva into a ladle."[1] But whatever might be their own contempt, any effort to deprive them of their deities would have been fiercely resented by the fanatical minds of the lower orders of heathen society, and such a policy would have led to bloodshed as well as strife. The Synod, anxious to preserve the peace now vouchsafed to the Church without a sacrifice or violation of principle, wisely decided that a Christian placed in this position should do his best to induce his slaves to remove the idols from his house; but in case of failure, he was at least to keep himself pure, carefully guarding against any return to the superstitious devotions and customs associated with them. A return to idolatry in any shape or form, even under these temptations, would entail absolute suspension from Church fellowship.

§ 32. The prohibition seems to have been ineffectual in its operation, for we find Constantine forbidding by edict these private and domestic sacrifices, while, as a compromise, he still allowed the people to consult the official augurs when they had been alarmed by the fall of a thunderbolt or by the lightning's stroke. He could not eradicate this idolatry, but he endeavoured to regulate and restrain it. Theodosius and Arcadius acted with much greater severity. A house in which such rites had been observed, on proof of the offence was confiscated, and its owner rendered liable to still more drastic penalties. The third Council of Toledo [589 A.D.] explicitly directed the clergy to make dili-

[1] Tert. Apol. c. xiii., De Spectacul. c. viii., De Idol. c. xv.

gent search after such offenders, commanding all masters to put an end to this evil, both on their estates and in their own household.[2] In Africa, a special restriction was applied in the case of those who sought ordination, and a Christian was disqualified even for the diaconate unless all in his household had professed their loyalty to their master's faith.[3] But this expedient could operate only in a few instances, and some remedy of wider range and greater force was needed to deal with the evil. At present the members of the Synod could see no better way than to allow their own faith to carry conviction with it, without any sudden and violent disturbance of the prejudices and passions of the great masses of the heathen by which they were encompassed. To deprive the slaves of their idols was not to win them from heathenism; if superstition died, the idols would share its fate.[4]

§ 33. The principle involved in the foregoing Canons admitted of a still wider application outside the family circle; for if it was an offence against the Divine majesty for master or landlord to concede a personal sanction to the superstitious practices of heathen slaves or agents, even when the connexion was comparatively distant, responsibility diminished but did not disappear. The forms and phases which evil assumed were as subtle as they were numerous, and the Synod made no attempt to deal with all possible eventualities. But against one particular custom they made a strong protest, enforcing their

[2] 3 Toledo XVI. [3] Hippo XVII. A.D. 418.
[4] Mendoza, l. c. pp. 289—293.

censure with an exclusion of three years' duration. The religion of the heathen world was above all others one of scenic effect, and in magnificent processions and costly decorations much of its energy was expended. By modification a procession could be made to express emotions of a very different kind; the sorrow of those who mourned for their dead; the joyful pride of the newly wedded husband; the contrition of a nation suffering from divine vengeance; or the triumphal might of a conqueror just returning from the scene of his victories with his exulting legions. But the procession was also an important appendage to the games of the circus, and served as a preliminary, or even as a part of the performance. The religious element in it was very prominent, and in the midst of the spectacle the gods were carried in effigy, sometimes even demanding alms on their way through the crowded streets. It was indeed through their conduct on such an occasion that Justa and Rufina suffered martyrdom at Saragossa many years before the meeting of the Synod. Ovid sums up the scene in a single line: "Circus erit pompa celeber numeroque deorum."[5] Spain was a country devoted to spectacular magnificence, and would vie even with Rome itself in ostentation and display. How these festivals were abhorred by the Christians it is unnecessary to describe at length. Centuries have not been able to eliminate the evil associations of the word; and when we pledge ourselves "to renounce the pomps and vanities" of this world, it is but a reminiscence, in a wider sense, of

[5] Fasti, iv. 391.

the ancient "pompa diaboli," which was the horror of pious souls in the early days of the Christian Church. Tertullian, in his fiery strain, insists that whether the procession be great or small, and if only a few images are carried round, is no matter; even in one there is idolatry; if the procession escorts one image-car, that one is the waggon of Jupiter.[6] Believers would avoid being present in the streets while the procession was on its rounds, and to have appeared in the circus would have been a grave offence.

§ 34. But danger menaced the believer from another side. It was customary for the Prætor, or the other officials responsible for the organisation of the games, to lend ornaments and dress as stage-properties, or for decoration; and on some occasions, he would himself borrow statues and paintings, either from friends near at hand, or even from distant lands. If this resource was not sufficient, money might succeed where friendship or courtesy failed.[7] No doubt, the Christian woman or her husband would be applied to for the loan of her cloths rich with Tyrian purple, or for the fine stuffs spun from the finest fleeces of the pastures of

[6] De Spectacul. c. iv. vii. viii.; for tensa, cf. Suet. Julius Cæsar, c. 76, and Cic. Verr. ii. 1. 59, "Via tensarum atque pompæ."

[7] Ulpian, "Vel si quis ludos edens prætor scenicis commodavit, vel ipse prætori quis ultro commodavit:" and Asconius Pædianus (Act 3 in Verrem), "Olim enim cum in foro ludi populo darentur, signis ac tabulis pictis, partim ab amicis, partim a Græcia commodatis utebantur ad scenæ speciem:" and cf. Caius and Ulpian, 19, § i., and § 18, de usufructu.

the Guadalquivir; and the desire to escape notoriety, or to retain the friendships of neighbours and friends, would be powerful inducements to compliance with the request. But to consent to act in this worldly wise[8] was an act of flagrant cowardice; or, if money considerations determined conduct, of sordid covetousness, unworthy of a loyal Christian, and all the more reprehensible because the temptation was not severe in kind and degree.[9] There were cases, as we have already seen in discussing the action of the Church towards holders of public office, in which the severity of the code was relaxed on any just ground; but here no such extenuating circumstances existed. The indignation aroused by such compromise with heathen idolatry would be kindled to an intenser glow by the memories of the death of martyrs and of saints ever to be associated with such spectacles. And that a Christian by profession should choose the scene where his brethren had suffered such heroic agony, for making his terms with heathen society by a concession involving direct idolatry, was a feature that could only intensify the natural resentment of all loyal hearts.[1]

§ 35. But tenacious as the Spanish Christians were of their own liberty and rights, they did not absolutely disregard those of others; and while they maintained their own freedom of worship, using all legitimate means for the subversion of idolatry, they

[8] "Seculariter." Nolte, Theol. Quart. 1865, p. 312.

[9] Elv. LVII.

[1] Mendoza, l. c. 327, 328. Gams, vol. ii. 115, 116. Hefele, vol. i. 181.

repudiated, and even punished in an indirect way, improper aggression on the objects religiously venerated by the superstition or the faith of their heathen neighbours. The precaution seems to have been all the more necessary on account of the iconoclastic genius of the Spanish people: for again and again, in the early as in the later religious history of the land, such outrages were more than frequent; and the retaliation which ensued could only lead to their more energetic repetition so soon as opportunity allowed. Before this time there had been some such cases of special prominence. At Hispala, Justa and Rufina, two Christian women, while selling their wares through the streets of the city, met a procession carrying their goddess Salambo about on a begging expedition, and demanding gifts in her name from those whom they encountered. The pair refused to give the priests as much as a cheap pot of earthenware from their stock; and an attempt was made to levy a compulsory offering. A struggle followed: the stall and its wares were destroyed; and in their indignation the victims attacked and disfigured the idol. They were then tortured, and finally put to death.[2] A parallel case was that of Germanus and Servandus, though it presented some distinctive features. A similar spirit revealed itself in after-years. Theodosius the Great, who was a Spaniard by birth, made this destruction of images his great concern; and Ida-

[2] Mendoza, l. c. p. 335, goes so far as to assert that this collision was the cause and origin of the provision, and that the suggestion was mooted by Sabinus, the bishop of the town.

tius records with approbation of Cynegius, a Spanish prefect of the East, that "he went as far as Egypt, destroying everywhere the idols of the heathen."[3] In the resentment which the Canon dealing with the practice has provoked among the later Spanish commentators, and in their eagerness to impugn and to disprove its genuineness and validity, we can see the same inherited tendency.

§ 36. The question was of vital importance, and one which the Synod could not altogether overlook. From their own words, and from the nature of the case, it is clear that the Fathers did not consider iconoclasm, even when unprovoked, as a sin; and they thus were led to dissuade rather than to prohibit. The sixtieth Canon runs thus:—"Any one who shall have destroyed idols, and been slain in the act [ibidem], shall not be included among the martyrs, since it is not so commanded in the Gospel, and was never done under the Apostles" [sub Apostolis].

The argument and appeal are somewhat disingenuous; for even if we reject the supposition of some historians, that the decree was occasioned either by the martyrdom of Justa and Rufina, who suffered death in imprisonment, or of Servandus and Germanus, who were literally "slain in the act," it is patent that the policy now decided on was not the outcome of the scriptural conscience. Two causes, opposite in nature and in scope, would operate most strongly to produce the result.[4] In the first place,

[3] Chronicon Idatii ad ann. 388, in Gams, vol. ii. p. 125.

[4] Elv. LX. Mendoza, l. c. p. 335. Gams, vol. ii. p. 125, and vol. i. pp. 372—375.

it was at this time essential, as we have already seen, to avoid giving any provocation to the heathen population around, who, if exempt from all outrage in their own rites, would have no ground for reprisals on the sanctuaries of the Christians. Further, those assembled in council could not but remember that when the idol is destroyed by violent hands, the superstition of its votary grows deeper and more intense; and that Dagon's fall and proved impotence does not always turn the hearts of his heathen worshippers, whose fidelity is even strengthened by an indignant pity: the Christian faith, if it was to win its way among the idolatrous nations, must rely more upon gentleness and charity than upon reckless daring and ostentatious courage. And, in the second place, the Church itself anticipated evil consequences within as well as without, for in self-sought martyrdom the poor and the wretched often attempted to escape from all worldly troubles of the sordid and meaner order. Augustine tells us how "by imprisonment men desired to relieve a life burdened by many debts; or thought they purified themselves, and in some measure washed away their own guilt; or because they thought that they would certainly gain money, and in ward enjoy luxuries supplied by the veneration of believers."[5] To be free from the pressure of debt and of poverty, and to have even more than the necessaries of life supplied by less zealous friends, was a temptation sufficient to influence

[5] Aug. Brev. Coll. 3 di. Patrologia, Migne, vol. xliii. p. 631, § 13.

any one in troublous times; not to mention all the high religious privileges which would appeal with even greater force to purer and more saintly souls.[6] But the motives, whether base or noble, were of a dangerous kind; and the Synod was driven, reluctantly no doubt, to take measures to counteract them. A similar precaution had been already adopted at Carthage by Mensurius, to prevent a similar practice in the African Church. For during the Diocletian persecution they had suffered, not only from the treachery of the "Traditores"—afterwards punished, as at the Council of Arles, for their betrayal of the sacred books and vessels of the Church[7]—but also from the zeal of those who spontaneously confessed that they had in their possession such treasures, and suffered death rather than consent to their surrender. It was this self-sought martyrdom, not only useless, but even harmful to the interests of the Church, that was discountenanced in Africa and Gaul. But the decree would not apply to such a case as Eulalia's, of Emerita, who, having been commanded by the Judge, in the court of trial, to worship an idol, in pious indignation broke the image and spat in the face of the official.[8] But on the other hand, it has been suggested that the Canon may serve to explain the omission of

[6] Aguirre, vol. i. pp. 649, 650.

[7] Arles XIII. This Canon only deals with the clerical offenders; but they, from their position of trust, would be at once the most numerous and the most reprehensible.

[8] Migne, Dict. des Conciles, vol. i. p. 827. Cf. Prudentius, De Martyrio S. Eulaliæ.

Eulalia of Barcelona from Prudentius's martyr-roll, on the ground that she had voluntarily provoked death by the wanton destruction of idols, and had thus forfeited the heroic honour.

Germanus and Servandus are also left unmentioned, with the Captain Marcellus, and the well-known Justa and Rufina, who had all courted their fate in the same way. If the silence of the poet be due to nothing more than accidental coincidence, it is at any rate somewhat strange to find this unconscious observance of synodical precept in so many brilliant cases of self-sacrifice.[9]

§ 37. This leaves but one point for consideration —Why the condition of "death in the act" is emphasised. Two explanations are possible, though the question has received no attention from historians and commentators. Firstly, let it be remembered, that under the new dispensation the iconoclast would find a graver danger in the prompt vengeance of the angry votaries than in the penalties of the law: death would be inevitable, if the penalty was exacted by "lynch-law", though the official tribunal would be satisfied with fine or imprisonment; so that if the offender escaped death in the act, he would escape it altogether. And secondly, if this interpretation be rejected, it would be possible that the Synod, while refusing the honours of the martyr to those who had reached the high prize by so short a journey, and a conflict so brief, could not disfranchise those who were reserved for a more prolonged and painful trial of their faith, and, by

[9] Gams, vol. i. p. 309.

patience at the end, atoned for their rash impetuosity. [Note D.]

NOTE A.—(i.) This explanation gets rid of the forced sense attributed to "in pace"—"while the Church is in peace with the state." Herbst, Tubingen Quart. 1821, p. 666; Remy Ceillier, iii. 705; Aubespine, Mansi, ii. p. 492; and Migne, his faithful follower, Dict. des Conciles, i. p. 191, agree in this view; and some older commentators boldly alter "in pace" into "in prælio," on the authority of one ancient manuscript giving the variant "in bello;" but this is hardly an admissible course. Dr. München, Bonner Zeitschrift, vol. xxvi. p. 74 foll., has explained "arma proicere" as an allusion to gladiatorial combats, and maintains that the Canon interdicts them, and has no reference to military duty. It is true that eleven years later Constantine forbad by edict these dangerous and cruel exhibitions, but the policy would have been premature at this earlier date; and the prohibition must have been more explicit. And even if we accept this explanation, and apply the injunction to the use of arms in time of peace, the qualification countenances by implication their use in war, and we obtain a result almost equivalent to that supplied by the other interpretation: for we are fully at liberty to apply the term "arma proicere" in its strict and natural sense. If it has that significance at all, the phrase includes the use of arms at all times and in all places. Hefele, i. pp. 206, 207.

(ii.) In an edict of Constantine's, Cod. Theod. xv. 12, there is a parallel, on the surface at least, to this Canon. It is there enacted: "cruenta spectacula in otio civili et domestica quiete non placent," i.e. combats in the arena are only permissible in war time, when foes have been captured. But we cannot suppose that the Council of Arles conceded even this to the murderous tastes of the heathen.

NOTE B.—A temple and grave of Hercules have been discovered during the present century at Tarragona, surrounded by a large amount of local legend, relating the arrival of the god from Africa with an army, and his death in Catalonia. Minutoli says, that after the disappearance of earlier colonies,

temple and grave were built in the fourth century, all the artistic representations pointing to an Egyptian origin. Altes und Neues aus Spanien, ii. 153 foll. The growth of the Priscillianist heresy at a later date, introduced from Egypt into Spain, is a further evidence of the intercourse between the two nations. Gams, ii. pp. 42, 43.

The ancient Lusitanians divined from human entrails, and the practice was not uncommon in later times; cf. Euseb. De Præp. Ev. i. iv. It was attributed to Julian and Apollonius, and was certainly the custom of some emperors and priests.

NOTE C.—For the feeling of the Church about those Christians who had indirectly assisted in the gladiatorial shows, compare the letters of Innocentius to the bishops of the Spanish Church. He complains [Ep. iii. § 9] that men who have given games have been promoted to the episcopate: "Quantos qui voluptates et editiones populo celebrarunt, ad honorem summi sacerdotii pervenisse;" and again, in a letter to Victricius, Ep. ii. § 12, he points out that men have been ordained who in secular offices have thus acted: "Constat eos in ipsis muniis etiam voluptates exhibere . . . . et ludorum vel munerum apparatus." Attendance with him is as grave an offence as official presidency: "aut præesse aut interesse," l. c. § 13. On the games, cf. Juv. Sat. iii. 36, and Suet. Tit. vii.

NOTE D.—(i.) Iconoclasm may have been the Christian form which the national passion for suicide in Spain assumed; if so, of those passed at Elvira, this is the only Canon referring even indirectly to the subject. Lecky, on the authority of Apollonius of Tyana [Phil. Apollon. v. 4], says that the Celts went so far as to raise temples and chant hymns in praise and honour of death. At any rate, the lines of Silius Italicus, there quoted, may be applied without violence to the Spanish iconoclasts, as well as to their impetuous countrymen:—

> "Prodiga gens animæ et properare facillima mortem:
> Namque ubi transcendit florentes viribus annos
> Impatiens ævi, spernit novisse senectam,
> Et fati modus in dextra est."

Cf. Lecky, Eur. Mor. vol. i. p. 218.

(ii.) The Donatist schism arose originally out of an excessive desire for martyrdom, partly from pure, partly from impure

motives. Mensurius, the bishop, and Cæcilianus, his archdeacon, opposed it: and, on the death of the former, another candidate, Majorinus, and then Donatus, were set up in opposition. Their plea was that Cæcilianus had been consecrated by a "Traditor," Felix. The whole question was discussed and settled at Arles. Cf. Gieseler, vol. i. pp. 288, 289.

The fanatical sect of the "Circumcelliones," in the fourth century, provoked martyrdom by insulting pagan assemblies, and committed suicide by leaping from lofty crags. Cf. Lecky, Eur. Mor. vol. ii. p. 52, and Milman, Hist. Christ. vol. ii. pp. 305—309, and authorities there quoted.

(iii.) Cave, Primitive Christianity, i. c. v., gives many instances where Christians suffered in retaliation for insults of this nature. Cf. Tillemont, Mém. Eccl. vii. 354, 355, and Remy Ceillier, Auteurs Sacrés, iii. 531—533.

(iv.) Clement of Alexandria insists upon the same principle, even in less important matters, severely censuring those Christians who challenged observation by the salutation of the brotherly kiss given and received in public. Such men, he says, are full of a senseless boldness, and would display themselves to the outer world, but have not the least grace. Clemens, Pædag. iii. § 110. Migne, viii. p. 659. Neander, Hist. Christ. i. 363.

CHAPTER VI.

CHRISTIAN WORSHIP.

§ 1. CHRISTIAN worship and its institutions occupy but an insignificant position in the thought and policy of the Synod of Elvira; and were it not for a solitary Canon, which has again and again served as a weapon in the most embittered of later controversies, this phase of its legislative action would receive but scanty attention from historians and divines. Nor is it difficult to account for this subordination of worship and its accessories in a Convention mainly occupied with questions of ecclesiastical polity and moral duty; for deviation from established custom in the details of ritual, so long as doctrinal teaching remains unaffected, produces little if any serious evil. And, in all probability, the services of the Spanish Church still retained much of the elasticity, without the disorder, which characterised the religious assemblies of the Apostolic converts; for till the ecclesiastical order has become stereotyped in a hard and fast mould, the details of worship admit of no less variation. During the earlier part of the fourth century such a system of ritual would continue in growth, retaining old customs, but undergoing

modification and expansion to meet the needs of the new position which the Church had now reached; for in appealing to a new constituency, though Faith remained one and the same, to do new work it necessarily adopted new methods, such as artistic and æsthetic genius might devise and suggest.

We must not be misled into the supposition that as yet the Christian Church had failed to recognise the true importance of worship to the development of a sound and deep religious life, because there is little mention of its details in the Synodical Acts. It had learned that in the service of the sanctuary the sorrow of the great lord,—the "deposed king," as Pascal describes the human soul in its longing for its pristine greatness and purity,[1]—could find solace; that in the thrill of emotion which passes through a sympathetic assembly the sinner could weep and believe; and that there devout souls caught a divine radiance which made them humble messengers of mercy to their race, and their lives, in the words of the old poet,[2]—

"A meeting of gentle lights without a name."

But inspiration of this order, they knew well, could not be compelled or controlled by human power and authority; and their special work was rather to punish sin than to lift virtue to regions of loftier ideal, and was confined to that great mass of Christian society as yet barely saved from the corruption of heathen society, and still exposed to its fascination. When they had strengthened their

[1] Pascal, Pensées, iv. iii.

[2] Sir John Suckling.

wavering converts, and purified the sinful; when, above all, they had united their congregations in one corporate Church, then would be the time to turn their energy to nobler work.

§ 2. Before this time, at any rate in the municipalities of Spain, assemblies for worship in private houses or at the abode of the bishop had almost fallen into disuse, the Church now possessing its own special accommodation for meeting. Diocletian, as we have already seen, issued orders for the destruction of Christian sanctuaries, which were disregarded by Constantius, the responsible governor of Spain; and on the express testimony of Eusebius[3] that Constantius allowed no such edifices to be destroyed, we may infer that churches existed in that country before the persecution, and that they survived it. The Council met in a church, and the twenty-first Canon, with its distinction between urban and rural districts, proves beyond dispute that the towns possessed an organised system of church accommodation.[4]

§ 3. While we are sure that churches existed, we have but little definite and well-ascertained information as to their exact nature. At a subsequent period, Constantine transferred to Christian use the revenues and the buildings of heathen temples, thus converting the "lodging of demons into a house of God;" but this transfer was rare; and even when the general confiscation was consummated under

[3] Euseb. H. E. viii. 13. Other references have already been given.

[4] Elv. XXI.

Theodosius, the State, and not the Church, was enriched by the wealth of heathendom.[5] Nor had the Christians yet obtained the use of buildings originally occupied by the secular authorities; if indeed this privilege was ever conceded to them. The theory of such a grant may be attributed to the imitation of the plan of the Basilica in ecclesiastical architecture; and the common application of the terms Basilica and Bema to the church buildings is by no means accounted for, as Mr. Hatch insists, by the transfer of a few secular court-houses to the Christian Church.[6] The fact is that these buildings served as the seat of the Presbyteral council of discipline besides accommodating the assemblies for religious worship. These edifices would at first be plain and simple in structure, like the originals after which they had been modelled, and would certainly never emulate the magnificence of the great temple built by Paulinus at Tyre, of which Eusebius has left us a detailed description.[7] In after-years, throughout the world, Christian churches rose to dispute the claims of pagan shrines to preeminence in majesty and grace; but at present faith had not become materialised, and there was little temptation to rivalry of this kind. The churches which existed

[5] Cf. Hatch, Bampton Lectures, p. 150, n. 30, and authorities there quoted.

[6] Ib. pp. 66, 67, n. 30. Milman, Hist. Christ. vol. ii. pp. 342—344; and Nesbitt, in Dict. Christ. Antiq. p. 181, s. v. Basilica.

[7] Euseb. H. E. x. 4. 37. Cf. Milman, Hist. Christ. vol. ii. pp. 239, 240; and cf. Dict. Christ. Antiq. pp. 368, 389, and for church architecture of Spain, pp. 382 and 384, s. v. Church.

at the beginning of the fourth century in Western Europe were less imposing in site, and of humbler proportions.[8] So long as the great principle that church buildings are for the profit and convenience of man, and not for divine need, is still firmly apprehended, such a development is abnormal, if not impossible.[9]

§ 4. But even at this elementary stage of Christian life and worship, difficulties did not fail to arise concerning the adornment of the sanctuaries, and the Synod of Elvira took strong measures to repress some objectionable practices. Images representing the Divine Founder of the Christian faith and his disciples, so far as they existed at an earlier date, were to be found rather in the houses of religious heretics or eclectics than among professed Christians.[1] Orthodox believers indulged their inclination to religious symbolism, but did not materialise the Divine Nature in artistic representation. In fact up to the present time, between art and the Christian conscience there existed the deepest antipathy and the most irreconcilable antagonism; so that the use of painting and sculpture, if admitted at all, was confined within the narrowest limits. Before the age of Constantine, Christian art had been mean and degraded. Such produc-

[8] Cf. Neander, Hist. Christ. vol. i. pp. 402, 403, and notes.

[9] Lactantius, Div. Inst. vi. 2., in Mendoza, l. c. p. 207.

[1] Cf. Neander, Hist. Christ. vol. i. p. 404. Euseb. H. E. viii. 18; and for the images of the Gnostics, cf. Irenæus, Adv. Hær. i. 25, Migne vii. p. 685, and Epiphanius, Adv. Hær. xxvi. 6, Migne xli. p. 374.

tions as have been preserved on the gravestones of the earlier church are worthless and cheap, without beauty, grace, or symmetry. "Daubs and smudges," so a great authority informs us, superseded the masterpieces of extinct genius, until the great revival of later years occurred: at present, Christian art was unworthy of its name, and for its unworthiness was rejected and despised. Gams, indeed, seems inclined even to deny its very existence at Rome, and much more in the provinces, during the first decade of the fourth century;[2] but the view is too extreme, and we may accept Mr. Browning's lines as a more accurate description of the instinctive habits of the time:[3]

> "Love, while able to acquaint her—
> While the thousand statues yet
> Fresh from chisel, pictures wet
> From brush, she saw on every side,
> Chose rather, with an infant's pride,
> To frame those portents which impart
> Such unction to true Christian art."

§ 5. But though the description is true in the main, there was something more than the "infant's pride" to determine the preference of the Church. For all æsthetic associations, as we have seen in an earlier part of this essay, were essentially pagan in origin and character; and as primitive Christians rigidly avoided everything connected, however remotely, with heathen worship, and had neither

[2] Cf. Buonarotti, in Hefele, Rigorismus, Tubing. Theol. Quart. 1841, pp. 363—366; with Perret, and Lehner, quoted in Gams, vol. ii. pp. 97, 98.

[3] Browning, Christmas Eve and Easter Day.

temple nor altar, but a mere house of prayer, sc pictures and images in like manner, and through the influence of similar associations, were at first excluded from buildings erected for worship. And the abhorrence was the more intense because art as it then existed was pagan, not only in application but in spirit and conception: to have admitted it into the sanctuary would have been to desecrate the purity of the Christian faith.[4]

§ 6. There was another danger which could not be overlooked; the development of an improper hero-worship, to which the admission of images into the churches would have given rise. This tendency to idolatrous worship already needed repression; and without due precaution, not only the dead but the living would have received similar honour in a country predisposed by its antecedents to the adoration of the emperor. This characteristic of religious life in Spain and elsewhere, it must be remembered, had often produced a vehement commotion of popular feeling, always excitable on this point; so that in the Diocletian persecution it was not an unusual outrage to throw the remains of martyrs into deep wells or into the sea, where their bodies might be secure against all recovery: the object being, as Eusebius informs us, "to prevent such men from becoming gods of the Christians; and that they who refuse to worship our gods, may not begin to worship our slaves."[5]

[4] Cf. Herbst, Tubing. Theol. Quart. 1821, pp. 36, 37.

[5] Cf. Euseb. H. E. viii. 6; Mendoza, l. c. p. 266; and Hefele, Rigorismus, l. c. p. 394.

Nor can there be any doubt but that the Mosaic law exerted a most powerful influence in the same direction. The Old Testament Scriptures, which were still the chief subject of Christian study, forbade all works in wood and stone, and on this prohibition great stress was not unnaturally laid. And thus it was, when this restraining force began to lose strength and vitality, and when the danger of relapsing into heathenism and idolatry had apparently disappeared, while on the other hand the spiritual tone and elevation of the Christian community had been lowered, that such representations became universal. Then the craftsmen who had been debarred from the free use of their art, or excluded from the Christian Church, once more found scope for the activity of their genius, and they depicted Christ, his apostles, and his martyrs, in pictures, mosaics, and statues; and not content with these, gave Constantine a position of equal honour.[6]

§ 7. But at present the antipathy was profound, and no objects of worship were allowed to be represented in material forms. Thus Epiphanius tells us how he indignantly rent the curtain of a church in Palestine, because it bore the embroidered image of a saint;[7] and Eusebius of Cæsarea asks those who admit any portraiture of Christ, what kind of image is that to which they attribute such a name? Is it the

[6] Cf. Hefele, vol. iii. p. 368; and Rigorismus, ib.; and Herbst, ib.

[7] Epiphan. Op. ii. 313. Cf. August. Ps. cxiii. Migne, xxxvii. pp. 1481—1484.

true and the unchangeable form of the Divine Son, or that which He took with His human nature when for our sake He assumed the semblance of a slave? And he appeals to the universal conscience of the Church, and to its established custom, as repudiating and banishing from Christian society all representations of the kind. The Church tolerated symbolism; religious images it abhorred.[8] But it is easy to conceive how symbolic art would develop into a materialised imitation; how the picture of the "lost sheep" would lead on to that of the "Good Shepherd." Nor could productions of this kind be kept within the private houses of Christians, but from the home they would inevitably make their way into the common sanctuary. It was to check such a practice that the Synod of Elvira passed the Canon which has been the centre of almost incessant controversy ever since, declaring that "There shall be no pictures in the church, lest what is worshipped and adored should be depicted on the walls."[9]

§ 8. The simplicity and directness of the language would seem to leave little room for questioning its meaning. The Canon prohibits the admission of pictures, and, by implication, of images, into the Church, on the ground that if such representations are allowed to appear within its precincts, the objects of worhip and adoration cannot fail to be depicted there, leading to a profane degradation of

[8] Eusebius Cæsar., Ep. ii. Ad Constant. Aug. Migne, pp. 1546—1550. Cf. Gieseler, Ch. Hist. vol. ii. p. 38; cf. Tert. De Pudic. vii.; Apol. xvi.; Origen, c. Celsum, vi. 14.

[9] Elv. XXXVI.

the Christian faith. The Church wishes to exclude a particular type, and to secure the efficiency of the prohibition, the prohibition is made general. It is not with a view of excluding the objects of a false cult, of heathen veneration, that the walls are to be left bare, as one commentator has supposed; not because, if any such pictures were tolerated the great variety of pagan superstition and its objects would render all precautions futile, and entail the surreptitious intrusion of heathenism into the temple of God. It was intended to secure the Church and its worship from within, and from the idolatry not of heathen but of Christians.[1]

§ 9. Persistent and determined attempts have been made by writers of a particular school to limit the application of the Canon; some contending, with Aubespine at their head, that the prohibition refers only to representations of the Divine Being; others, that it applies only to the arbitrary taste and unwarrantable presumption of individuals.

It is, however, impossible to see what justification can be found for the theory which interprets the Canon as a restriction upon an obtrusive ignorance which filled the walls of the Church with frescoes without "order, law, or proportion."[2] The injunction is clear and explicit, and the prohibition expressly censures, not the painter, but the picture;

[1] Basterus, in Aguirre, Concil. vol. ii. in init.

[2] Binterim, Katholik, 1821, vol. ii. pp. 436—438, who adopts this view, asserts the common and natural interpretation of the Canon, and Dr. Herbst's in particular, to be "eine geschriebene oder gedruckte Unwahrheit."

censures it, moreover, on a particular ground, which would not be affected by authorship and artistic skill. The picture was condemned, not for its intrinsic demerit, still less for its origin, but purely and simply for its presence in a particular place, where it might lead to pernicious and lamentable consequences. And although we know that the ordinance was neglected and contested, disobedience does not alter its true significance.

Of the two views mentioned above, the first has the stronger recommendation, though inadequate to secure its acceptance.[3] Aubespine argues, that "adoration" in the original text can be referred only to the worship of God, and that the prohibition must therefore be confined to representations of the Divine Nature and its attributes. But unfortunately for this theory, the term "adoration" has the very opposite significance in the language of the empire. It had at first a physical meaning; expressed, in fact, the raising of the hand to the lips of the dependant, and subsequently was specially applied to the semi-religious worship accorded to the Emperor. "Sancti colendi, deus adorandus," as Gams well suggests, in the imperial idiom would be exactly reversed.[4] In the present case, the use of both terms "colo" and "adoro" is decisive against

[3] Aubespine, pp. 50, 51.

[4] Cf. Gams, vol. ii. p. 97. Pliny, N. H. xxviii. 2. 25, "In adorando dexteram ad osculum referimus." Statius, Thebais, xii. 817, "Longe sequere, et vestigia semper adora;" and Æmilian, in Gams, "Qui audiuntur, qui timentur, qui adorantur, si Dii non coluntur, nec imperatorum vultus adorantur?"

arguments of this nature. It was not merely lest the Illimitable should be limited, and the Spirit materialised, to the surprise and scandal of converts and catechumens; but to ensure that in the sphere of worship there should be neither human nor divine semblance to divert the soul's homage from its true and lawful object, that this decree was pronounced.[5]

Other interpretations have been suggested, some ludicrous, some fantastic. The dampness of the church walls has been adduced as a cause, and the desecration which would necessarily occur when beams and stones were peeled. An alternative suggestion is, that while images, which are not forbidden by the words of the Canon, could in a time of danger be easily and promptly removed, paintings were fixtures, and must be left to heathen outrage; while such representations would promote caricature of the divine mysteries, always a popular practice among the heathen.[6] Others point to the reserve habitual in the Church, which provoked the common allegation that the Christians concealed the object of their worship, and to their reluctance to reveal the deeper truths of religion even to their new converts. These mysteries, we are told, could not be hidden if they were once depicted on the walls of the building, and artificial covering would be futile.[7] To examine such theories separately is an unnecessary task, and one which may safely be neglected:

[5] Cf. Gieseler, Ch. Hist. vol. i. p. 272, n. 5, and Hefele, vol. i. p. 170.

[6] Cf. Mendoza, l. c. p. 266.

[7] Cf. Mendoza, l. c. p. 275.

tested by the language of the Canon, they all have a false and hollow ring. One point, however, is worth notice, that while the Mosaic law strictly prohibited the use of "graven images," it contained no specific allusion to works of pictorial art. The silence of the Old Testament may have induced rigid literalists to countenance the one form of idolatry, while they lavished their indignation upon the other. This hypothesis may, if well grounded, explain the restricted reference of the ambiguous Canon.[8]

§ 10. There is another Canon, dissimilar indeed to that which we have just been considering, but also having for its aim the protection of the church edifice from practices derogatory to its honour and dignity, and liable to disturb the peace and to debase the elevation of worship. The thirty-sixth Canon guarded against illegitimate adoration; the fifty-second restrains from insult, and punishes in the severest way those who should have been convicted of exposing satires or pasquinades in the church precincts.[9] The exact nature of these compositions cannot be ascertained with any degree of accuracy, but we are justified in assuming that they were scurrilous and profane, corresponding perhaps in

[8] Dr. Nolte, Tubing. Theol. Quart. 1865, p. 311, reads "defingatur" or "diffingatur" for "depingatur" = "pingendo corrumpatur." Neander, Hist. Christ. vol. i. pp. 405, 406, note, asserts that the Canon is ambiguous. The cases, however, which he selects are not ambiguous in any sense: "walls" in such close connexion with "ecclesia" can be nothing save the walls of the church, and "colere" and "adorare" must, as we have seen, refer to the objects of an improper Christian worship.

[9] Elv. LII.

kind to the polemical verses which were so popular in the controversies of Eastern Christendom, or to the audacious lines in which Constantine, having outlived his popularity, was at Rome, in his own city, compared to the tyrant Nero.[1] The weapon would be only too serviceable, not only against secular but against ecclesiastical authorities, who were secured against all but covert attack by special safeguards. The Church in this instance inherited the severity of the Roman law, which visited this offence with a capital sentence. Augustus, too, put offenders of this order on the same level as those guilty of high treason; and it was only against the gods, as Augustine ironically suggests, that such licence was enjoyed with impunity. The Church, as well as the emperor, was bent on suppressing a practice which might lead to disorders of the gravest kind.[2]

§ 11. We might, I think, justly infer from the foregoing evidence that the Church was beginning to suffer from the accession of members attracted by little of devout motive or lofty aspiration; and the first impression is corroborated and deepened by the Canons which deal with Church absentees. In the period of persecution, indeed, still lying in the immediate past, converts, and even believers,

[1] Cf. Milman, Hist. Christ. vol. ii. pp. 328, 329.

[2] Cf. August. De Civ. Dei, ii. 9—14. Cf. Leg. XII. Tab., "Si quis actitaverit, sive carmen condiderit, quod infamiam flagitiumve alteri precatur, capite punitor." Cf. Sueton. Oct. lv. Juvenal, vi. 244. Mendoza, l. c. p. 311. Gams, vol. ii. p. 110. The Canon is repeated in the Corpus Iuris Canonici, III. c. v. q. 1.

fearing to imperil life and fortune by presence in the church, had not unnaturally abandoned all attendance at its services, and by their own act, rather than through any formal resolution of the faithful, separated themselves from communion. Now, however, that peace was again restored, these practical apostates were anxious to return to their old allegiance, and to resume the position which they had deserted. But to the conscience of the Church it was intolerable that one who had professed faith in Christ should forsake His cause in the hour of danger; and even if, betrayed into cowardice, he had not aggravated his sin by idolatry, the offender could not be suffered to escape all punishment. On the believer, therefore, who had apostatised, ten years' penance were now imposed, during which period he was to be excluded from communion.[3] In the case of the catechumen whose conduct had been similar, the Synod were more lenient; for they allowed such an one, even though he might have been absent from worship for a long time, on the testimony of one of the clergy or of trustworthy laymen, to be admitted to baptism, in consideration of the fact that he had abandoned his old indifference. Provided that the Church had satisfactory evidence to attest his Christian character, they were content to condone his former misdemeanour.[4]

[3] Elv. XLVI.

[4] Elv. XLV. Cf. Hefele, vol. i. pp. 156, 157. Dr. Nolte, l. c. p. 312, suggests "quis" for "quisque," and "in vetere homine deliquisse" for "veterem hominem deliquisse," i.e. the sin was

§ 12. This legislation was specially directed against the offenders of the past. But the provisions of the Canons did not yet cover the whole extent of the evil; for indifference had now taken the place of cowardice, and produced a similar irregularity in church attendance. The Synod were anxious to cope with this danger; and in default of the religious earnestness which gathers men to worship in secret chambers or on solitary moors, they endeavoured to substitute law for enthusiasm, and by pain and penalty to compel the absentees to come in. To this end they ordained that any Christian dwelling in a town where a church was accessible, who should fail to attend religious worship for three weeks, should be suspended from communion for a short time, to mark the displeasure and the censure of the Church.[5] It was not to the clergy alone, as some have attempted to prove, that the penalties of the decree were applicable; on the contrary, when Hosius induced the Council of Sardica to re-enact this Canon, he expressly alludes to

to be considered as appertaining to his former self. Aubespine, pp. 61—67, followed by Mendoza, l. c. p. 301, and by Migne, Dict. Conc. vol. i. p. 824, interprets part of the Canon in another and a very artificial way. He refers it to the case of a catechumen who, having been absent from church for a long time, then during sickness loses the power of speech, and thus becomes unable to express his desire for restoration in baptism: in such a case, the clergy or a trustworthy layman may serve as sponsors. But, as Aubespine himself admits, p. 65, there is in the Canon no ostensible reference to sickness. Cf. Hippo XXXII., and Carth. (I.—IV.) LXXVI., Hefele, vol. ii. pp. 74, 75; and cf. August. De Adult. Con. i. xxvi. Migne, xl. p. 469.

[5] Elv. XXI.

the fact that it was against the laity that the edict was specially directed.[6] No doubt priests also were irregularly absent from their cures, but this is not the special evil which is here under consideration. If any Christian absented himself from church, when one was near at hand, for three consecutive weeks, there was reasonable ground for supposing that his religious life had become enfeebled and impaired; prompt action might effect a lasting cure.

The rural districts, however, are expressly excluded from the operation of the Canon; for there churches were comparatively few, and it might be difficult, and even dangerous, for a Christian man or woman to traverse the long distance, save on exceptional occasions and in temperate seasons. Even in later times it was no easy matter to enforce regularity in church attendance among Christians living in the country parts; and Mendoza gives us a good illustration of the difficulty in a passage quoted from Burchart,[7] in which the clergy are commanded to warn the people under their charge to compel, or at least to allow the shepherds, the herdsmen, and the husbandmen, who spent their whole lives in the fields, and so lived like beasts, to attend service on the Lord's Day and on other festivals. It also points out that Christ chose for His disciples, not nobles and orators, but fishers and men of low estate, and that it was to shepherds that the Divine Nativity was first revealed. This problem was one

[6] Sardica XI.

[7] Burchart, lib. ii. dec. 71. Mendoza, l. c. p. 203.

which is common to all times and places, and the leaders and councillors of the Church had to devise some solution, by means of which they might secure the presence at worship of those who would, if left to themselves, have stayed away, gradually loosening all the ties which bound them to the Faith. That the policy adopted by the Synod was unjustifiable, one would hardly venture to assert; that from its very nature it was and must have been inefficient, can hardly be gainsaid. It could reach only the coward and the hypocrite, while the man of independence and courage would only see in its provisions an additional incentive to choose and to persevere in his own path. At the same time it debased worship into a matter of outward form, ensuring neither spiritual aspiration nor harmony, while it seemed to insist on mere bodily presence in a place, rather than on communion with the Lord and Saviour of the Church.

§ 13. Two other Canons suggest degeneracy of another kind among priests and people, arising from covetousness, combined with indifference. It had been the custom in the Spanish Church, and elsewhere, for the catechumen when admitted to the baptismal rite to make an offering, as a testimony, perhaps, that he consecrated not only himself but his wealth to the service of the Master whom he vowed to obey. Observances of this order have always a tendency to become stereotyped, and to lose their voluntary character. This had been the case with the baptismal gift, which had been converted into a compulsory tax levied on the neophytes

who presented themselves at the font of immersion. The Synod peremptorily forbade the continuance of such a practice, that there might be no appearance of bartering the gift of God for money—a charge to which the custom certainly exposed the offending clergy.[8] The scandal, indeed, seems to have been characteristic of Spain; for we meet with similar evils recurring, under other forms, at later Councils. Thus at Bracara, no less than six Canons deal with clerical extortion, practised at Episcopal visitation and ordination, in conferring the chrism, in the other ceremonies of baptism, and at the foundation and consecration of churches.[9] An enforced entertainment of the bishop and his assistant clergy has also been recorded as a source of considerable expense to individual Christians in other lands; but the evil must have been more pronounced in Spain than elsewhere.[1]

§ 14. Another ceremony existed in connexion with the same rite of baptism, specially characteristic of Gallican ritual. This custom of washing the feet of the newly baptized Christian immediately after the infusion of the chrism was derived from the great symbolical act of our Lord, and, no doubt, found a supposed sanction in the words—"He that is bathed needeth not save to wash his feet, but is clean every whit."[2] The practice, apparently, had only a national prevalence, for though some evidence

[8] Elv. XLVIII.

[9] 3 Bracara II.—VII. Migne, Dict. Conc. i. pp. 376, 377.

[1] Gregory Nazianzen, Orat. xl. Migne, vol. xxxvi. p. 304.

[2] John xiii. 10.

exists to establish its existence at Milan,[3] the facts are not well authenticated: to Roman usage it was certainly contrary; and to this difference Mendoza attributes its discontinuance in Spain.[4] There, at any rate, the custom at present existed, and in intimate connexion with baptism: the question now arises, as to the reason of its prohibition.

Dr. Herbst[5] accounts for the decree,[6] on the ground either of the increase in the number of catechumens, by which the process became laborious and tedious, or of a sense of indignity produced in the minds of the clergy by the obligation to perform such a menial office. But if numbers or disgust had brought the rite into unpopularity, what occasion was there to disallow it by a formal decree? It would have disappeared without any compelling force. And, moreover, the connexion in which the prohibition stands is certainly not without significance, and suggests another explanation. The clergy exacted fees for baptism; may they not have bartered the other honour at a proportionate price? The hypothesis, if correct, accounts, and in the most natural way, for the conjunction of two apparently incongruous statutes.[7]

[3] Cf. Gams, vol. ii. p. 107, and Ambrosius, De Myst. vi.; De Sac. iii. 4. Migne, xvi. p. 398.

[4] Mendoza, l. c. p. 305.

[5] Tubing. Theol. Quart. 1821, p. 40. [6] Elv. XLVIII.

[7] Cf. Dict. Christ. Antiq. vol. i. pp. 164—166. Hefele, vol. i. p. 177. Gams, vol. ii. pp. 106, 107. Remy Ceillier, Hist. des Auteurs Sacrés, ii. 610. The Corpus Iuris Canon. CIV. c. i. q. 1, repeats the prohibition.

(i.) Gams, vol. ii. pp. 106, 107, distinguishes the various

§ 15. I should be less inclined to lay stress on this particular theory, were it not for the support which it finds in another Canon of Elvira, relating to the Eucharistic sacrament, and forbidding the bishop to receive an offering from one who is not in communion, excluded from the Lord's Table as a neophyte, or in discipline.[8] The prohibition admits of alternative applications. It may refer to the offerings of bread and wine made at the Eucharistic feast by those present, partly consumed at the time, and recalling to mind not only the supper of the night of betrayal, but that memorable evening when Christ took the loaves and the fish from a lad in the crowd, and with them fed the hungering multitudes. Now, in some mysterious exercise of power, the offering was not multiplied, but was transmuted—not in substance, but in essence; not to the body of Christ, but into a spiritual force, which was inspiration and support to the true believer. Or, on the other hand, it may refer to the contributions in coin or kind, made for the support of the clergy and the poor. In either case the principle is one and the same, and asserts that wealth cannot

senses of "concha," as: (1.) A niche in altar or choir. (2.) Any trough-like vessel used in church service. Cf. Paulinus, xxviii. 41, 42, "Quinque nitentium agmina concharum." (3.) A receptacle for baptismal water, such as the font or the baptistry. (4.) A receptacle for money at the church doors.

(ii.) The ceremony of "capitilavium" was common elsewhere, and gave a name to "Palm Sunday" in some places. Cf. Isidorus, Etym. vi. 18; De Off. Eccl. i. 28. Augustine, Epp. liv. 17, lv. 18. Migne, xxxiii.

[8] Elv. XXVIII.

be allowed to serve as a passport into the communion of earth or of heaven. This law had always been recognised among Christians, and the gifts of unqualified donors had been restored;[9] while Clement, in a passage of splendid indignation, repels the fears of those who would have taken such offerings as the only means to sustain the widow and the poor, insisting that if the Churches are in distress so extreme, it were better to die than to receive anything from the enemies of God, to the insult and scorn of His friends.[1] Whether the Synod of Elvira would have gone to such extreme lengths in self-sacrifice to consistency it is unnecessary to discuss: it does assert, in the most unequivocal terms, here and elsewhere, that in the mysteries of the Faith only the faithful can share; and condemns, in the most direct way, the laxity and the greed of Church officers who would have betrayed their sacred trust through mercenary motives.[2]

§ 16. The questions which we have been considering have reference only to the more external elements of Christian worship, and are concerned more inti-

[9] Tert. De Præsc. adv. Hæret. c. xxx. Cf. Adv. Marc. iv. 4.

[1] Apost. Cons. iii. 8.

[2] Duguet insists upon the offering, Aubespine on the collection; cf. Migne, Dict. Conc. vol. i. p. 821. Aub. p. 35. As to the communion offerings, cf. Laodicea XXXVII. (and also XLIX.). It was a scandal for a Christian of means not to bring a due portion to the communion feast. Cf. Cyprian, De Op. et El. xv.; Neander, Hist. Christ. vol. i. pp. 457, 458, and notes: Hatch, Bampton Lecture, and references quoted on pp 39, 40. Gams, vol. ii. p. 82; and Hefele, vol. i. p. 167, admit either alternative.

mately with ethics than religion; but only these meagre details concerning the worship of the Church are supplied by the direct evidence of the Synodical Canons. And although we may infer from incidental allusions a few more facts relating to the times of assembling and to the laws regulating admission to services and sacraments, which show a substantial agreement between the customs of Spain and other churches—about the subordinate officials connected with the edifice and the ritual of worship, about liturgies, Scriptures, and sacred song, the Synod is altogether silent; and such information must, if required, be sought from other sources lying beyond the province of this restricted essay.

§ 17. There is, however, one indication of the prevalence of Montanist heresy in connexion with one of the great festivals of the Church. It had been the practice, apparently, of some Spanish Christians to celebrate the Ascension of Christ, and to neglect the day commemorating the gift of the Holy Spirit; that is, they kept the fortieth and not the fiftieth day after Easter. Among the followers of Montanus, indeed, the season which followed Easter derived its entire significance from the presence of Christ on earth among His disciples; and they observed their period of fasting not before Easter, but after the Ascension, when, as they argued, the Bridegroom was "taken away," and the "days of fasting came."[3] Their system acknow-

[3] Matthew ix. 15. Cf. Hieronymus in loc.; cf. Cassian, Col. xxi. 19, 20, in Mendoza, l. c. p. 297.

ledged no conferment of the Holy Spirit at Pentecost, substituting the advent of Montanus for that of the Paraclete.

Now, as Dr. Herbst suggests, independently of the fundamental rejection of Pentecostal grace, no better method could have been devised by antagonistic sects than to fast during the festivals of the rest of the Church.[4] This course was adopted by the Montanists; perhaps also by the early forerunners of the Priscillianists, who at this time existed only in embryo and in germ, and not in any definite and developed form. Denying the fact, they ignored the festival. But the Holy Spirit had descended, so the Church confessed, on the Day of Pentecost, and to keep the Ascension of Christ without celebrating the advent of the Comforter was a strange travesty of sacred joy. How could the Church exult, if, bereaved of the bodily presence of its Lord, it had received no other abiding manifestation of the Divine Spirit?[5] To deny the reality of the event which Pentecost commemorated, was to reject a truth second only in importance to Christ's atonement; the error was not of ritual, but of faith, and was therefore denounced by the Synod.[6]

[4] Tubing. Theol. Quart. 1821, pp. 39, 40.

[5] Epiphanius, Adv. Hær. iii. 1; Migne, vol. xlii. Easter, §§ 823, 824; Pentecost, § 1105.

[6] Elv. XLIII. MS. Tolet. i. has "diem Pentecostes post Pascha celebremus non quadragesimam nisi [sed] quinquagesimam," i.e. one festival is futile without the other. Cf. Mansi, vol. ii. p. 13; and for an abridgment of the Canons, p. 21: vid. Mendoza, l. c. p. 296; Hefele, vol. i. p. 174; and Gams, vol. ii. pp. 104, 105.

§ 18. Such then was the work of the Spanish Synod —the prelude to a greater and more universal policy; political and moral rather than spiritual in character and aim; seeking to unite individuals in the corporation, and to combine "the union and discipline of the Church," on which Gibbon lays such stress, with "the pure and austere morals of its adherents," though to secure the one end, sacrifice on the other side was inevitable. That which has been the theory of after-ages was the practical experiment of the Church of the fourth century. Relieved from the repressive edicts of the secular power, and seeing the political fabric far gone in dissolution, the Church determined to establish a new centre of union amid the social ruin, and to rest not solely upon the individual basis of personal faith, but on the wider though weaker foundations of a corporate existence, subject to its own rulers, and controlled by its own laws; admitting men freely through gates which opened inwards, making entrance easy, egress difficult. In this new corporation the clergy would serve as the indispensable element of union; they would secure a general cohesion among the parts of the enormous fabric, as a class possessing exceptional powers, devoted to the same ends, and in great measure severed from the duties and affections of domestic life. The Synod of Elvira indeed had not advanced to the critical point; that was still in reserve. And yet the outcome of its policy could only be an attempt to establish spiritual life by material force; to transform the "invincible altar" into vulnerable "rampart;"[1] to substitute

[1] κρείσσων δὲ πύργου βωμὸς, ἄρρηκτον σάκος. Æsch. Supp. 186.

the feebleness of man for the very power of God. Synod after Synod, in Spain and other lands, assembled to deal with the evils which confronted the Fathers of Elvira, and attempted to suppress them by similar methods. It was all in vain: the penal law could not reach a disease which lay at the very heart of life and would yield only to spiritual remedies. Even when clear of disingenuous fallacy and casuistical evasion, a uniform code too often serves to debase and impair the nobler conceptions of Christian life and duty; and where it finds no such ideals, it certainly creates none. The attempt to inclose the whole world in one visible and material Church was to repeat the errors of the Babel-builders in another form. As Heaven is not to be approached by such material access, so it is not to be brought down to earth by the mechanism of human invention. In the Spirit men may ascend into the "Hill of the Lord," and even while on earth escape from the perils and sorrows which surround their human lot; and in the Spirit too already exists that Kingdom of God for which they seek. It is here within them, but is "not of this world;" it has its laws, and its rulers: but the laws are not of mortal making, and Councils and Synods cannot repeal or transform them; they may not be enforced by sword or sacrament. He who gave the law may safely be left to vindicate His own will.

It is hard in the hours when the heart fails, and faith droops, to see how immeasurably the power of the Spirit transcends the visible forces of the material world. We endeavour to fortify our conscious weakness by human organization; to restrain

our struggling passions by laws and penalties which men like ourselves have made; and when the vision of Heaven is withheld, to excite our emotion by the resources of human ritual. But artificial codes of law can never secure righteousness among men; and a Church that is made by men, and served by men, is human, save in the inner spiritual life, which cannot find expression in these outward forms; while it is impossible to perpetuate the human institution when waves of invasion or revolution sweep over nations. The Foundation survives, but all that the faithlessness, the ignorance, and perversity of men have built into the spiritual structure is swept away, to return no more.

These early days of the Church are long past now. The Synod of Elvira is for us nothing but an historic name to which we look back through the deepening shadow of centuries. Storm and tempest have again and again convulsed Europe, and the kingdoms of life have been recast in new moulds. But the main problem which perplexed that age is one which meets every new generation at its birth, insisting upon an answer, and not to be evaded or ignored,—How, in a world of accumulated error and hereditary evil, is a life of holiness and purity possible to our race? How can men be induced to acknowledge and obey the Divine Will? This was the ultimate and supreme end of the Synod's policy, circuitous and wavering though that policy may have been; this is also the question for the Christian Church of to-day. Too easily are the mistakes of the past repeated. Too prone are we to think that

the Spirit is with us when we have built the Temple, and that Righteousness dwells in the Law. But not on this wise,—not "with observation" comes the Kingdom of Heaven; not by institution or edict is the final victory over evil assured. Only when the heart of man forsakes the things of earth, and, forgetting human sin and human sanctity, melts in the Divine love and is transfigured by the Divine Holiness, does it approach the Eternal God. Not in the creations of this world, but in that Spiritual Church not made with hands does it find its abiding home, for *Unless He shall have built the house, they labour in vain that build it.*

NOTE A.—CANON XXXVI. AND PROTESTANT CONTROVERSY.—The Canon prohibiting the admission of pictures within the Church has been a favourite weapon of Protestant reformers. It has been quoted by—

(1.) Becon, vol. ii. p. 71, "Catechism of the Law."

(2.) John Bradford, vol. ii. p. 308, "Hurt of hearing Mass." The Council "damned all kinds of images, yea, pictures in the temples."

(3.) Calfhill, p. 154, "Answer to the treatise of the Cross," repels the argument that Christians in the prohibition were influenced by the fear of heathen desecration.

(4.) Cranmer, vol. ii. p. 179, "Answer to the Fifteen Articles of the Rebels, Devon." Article vii. states that "images were first set up only for a remembrance to laymen," and that it was then decreed that "they should be worshipped." Cranmer in reply quotes the Canon.

(5.) Fulke, vol. ii. pp. 153, 154, "Rejoinder to J. Martiall's reply to Master Calfhill."

(6.) Jewell, vol. i. pp. 69, 70, "Controversy with Dr. Cole: reply of the Bishop of Sarum." "You quote the Councils: but what respect have you for them? Eliberris decrees no images:

ye have broken this Council, and filled your church full of images."

Jewell, vol. ii. pp. 659, 690, "Controversy with Harding on the Adoration of Images;" "Sermons on Haggai," i. 2—4, quotes the Canon.

Jewell, vol. iv. pp. 791 and 1110. "Defence of the Apology of the Church of England," iii. 1 and 2. Harding sets the second Nicene Council against Elvira. "But, ex malis moribus bonæ leges ortæ sunt." "Images may have existed, but they are now forbidden."

(7.) Parker, Archbishop, p. 93, "Archbishop Parker and others to Queen Elizabeth." "These blind books and dumb schoolmasters (which they call laymen's books) have more prevailed by their carved and painted preaching of idolatry, than all other written books and preachings in teaching the truth and the horror of that vice."

[Much of this also occurs in Ridley "Concerning Images," p. 95: a remonstrance addressed to King Edward VI.]

(8.) Philpot, p. 407, "Curio's Defence of Christ's Church.

Other references to the Council and its Canons occur in Fulke, vol. ii. pp. 126, 153; Calfhill, pp. 154, 303; Latimer, Sermons, 1758, vol. i. pp. 237, 443. Jewell, vol. i. p. 176, refers to one of the spurious Canons.

The references throughout the note are to the publications of the "Parker Society."

APPENDIX A.

CONCILIUM ELIBERITANUM[1]

DECEM ET NOVEM EPISCOPORUM
CONSTANTINI TEMPORIBUS EDITUM EODEM TEMPORE
QUO ET NICÆNA SYNODUS HABITA EST.[2]

QUUM consedissent sancti et religiosi episcopi in ecclesia Eliberitana, hoc est: Felix episcopus Accitanus, Osius episcopus Cordubensis, Sabinus

[1] The text of the Synodical Acts has been reproduced with little change from the edition of the Spanish Councils published in the year 1804 by F. Antonius Gonzalez, the Superintendent of the Public Library at Madrid. [*Collectio Canonum Ecclesiæ Hispanæ nunc primum in lucem edita a Publica Matritensi Bibliotheca.*] Gonzalez based his version on a collation of nine manuscripts, two of which can with certainty be assigned to the tenth century; the others are of uncertain date, or belong to the eleventh and twelfth centuries. They are thus designated. (1) Codex Alvedensis, seu Vigilanus [A.]: transcribed in the Monastery of Alveda by Vigilanus, a priest, A.D. 976. (2) Codex Æmilianensis [Æ.], from the Monastery of St. Æmilian *de la Cogolla*, A.D. 994. (3) and (4) Codices Toletani [T. 1.; T. 2.]: the former may belong to the eleventh century; the second was transcribed "in Complutensi civitate" by Julian,

episcopus Hispalensis, Camerinus episcopus Tuccitanus, Sinagius episcopus Epagrensis, Secundinus[1] episcopus Castulonensis, Pardus episcopus Mentesanus, Flavianus[2] episcopus Eliberitanus, Cantonius episcopus Urcitanus, Liberius episcopus Emeritensis, Valerius episcopus Cæsaraugustanus, Decentius episcopus Legionensis, Melantius episcopus Toletanus, Ianuarius episcopus de Fibularia, Vincentius episcopus Ossonobensis, Quintianus episcopus Elborensis, Successus episcopus de Eliocroca, Eutychianus episcopus Bastitanus, Patricius episcopus Malacitanus: residentibus[3] etiam viginti et sex presbyteris,[4] adstantibus diaconibus et omni plebe, episcopi universi dixerunt.

[1] *Secundus*, BR. [2] *Flavius*, T. 1. 2.
[3] *Die iduum maiarum residentibus*, Ant. Gonzalez.
[4] U. and G. contain the names of the presbyters.

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a priest, A.D. 1133. (5) Codex Bibliothecæ Regiæ [BR.] is a copy in the Royal Library of Madrid, of uncertain date. (6) and (7) Codices Escuriales [E. 3.; E. 4.], possibly of the eleventh century, but probably later. (8) Codex Urgelitanus [U.] may be attributed to the latter part of the tenth or the beginning of the eleventh century. (9) Codex Gerundensis [G.], containing a reference to events of the year A.D. 1068, cannot be earlier than the close of the eleventh century. The Codex Hispalensis and the Codex Lucensis, which perished in the fire at the Escurial, A.D. 1671, preserved in copy, were also used in the work of collation. To the text of Gonzalez I have added in foot-notes the more important of Dr. Nolte's emendations [N.] [*Tubingen Theologische Quartalschrift*, 1863, vol. xlvii. pp. 308—314], and some alterations introduced by Hefele and Gams.

[2] *Era CCCLXII.*, Æ. T. 1. 2.

I.

De his, qui post baptismum idolis immolaverunt.

Placuit inter *eos* :[1] Qui post fidem baptismi salutaris adulta ætate ad templum idoli *idolaturus*[2] accesserit et fecerit, quod est crimen *capitale*,[3] quia est summi sceleris, placuit nec in finem eum communionem accipere.

[1] MSS. *Eos : nos*, N. [2] *Idololatraturus*, e conj.
[3] *Capitale :* v. l. *principale*, Codd. Æ. BR. T. 1. 2.

II.

De sacerdotibus gentium qui post baptismum immolaverunt.

Flamines qui *post fidem lavacri et*[1] regenerationis sacrificaverunt, eo quod geminaverint scelera, accedente homicidio, vel triplicaverint facinus, cohærente mœchia, placuit eos nec in finem accipere communionem.

[1] *Post baptismum*, U. G.

III.

De eisdem si idolis munus tantum dederunt.

Item flamines qui non immolaverint, sed munus tantum dederint, eo quod se a funestis abstinuerint sacrificiis, placuit in finem eis *præstare*[1] communionem, acta tamen legitima pœnitentia : item ipsi si post pœnitentiam fuerint mœchati, placuit

ulterius his non esse dandam communionem, ne *illusisse*[2] de dominica communione videantur.

[1] *Præstari*, N.
[2] *Lusisse*, Æ. BR. T. 1. 2. U. G. *Illusisse in*, or *illusisse dominicæ communioni*, N.

IV.

De eisdem si catechumeni adhuc immolant[1] *quando baptizentur.*

Item flamines si fuerint catechumeni et se a sacrificiis abstinuerint, post triennii tempora placuit ad baptismum admitti debere.

[1] *Immolarent*, U. G.

V.

Si domina per zelum ancillam occiderit.

Si qua *femina*[1] furore zeli accensa flagris verberaverit ancillam suam, ita ut *intra*[2] tertium diem animam cum cruciatu effundat, eo quod incertum sit voluntate an casu occiderit; si voluntate, post septem annos, si casu post *quinquennii tempora*,[3] acta legitima pœnitentia ad communionem placuit admitti; quod si *infra*[4] tempora constituta fuerit infirmata, accipiat communionem.

[1] *Domina*, T. 2.
[2] *Infra*, U. G.
[3] *Quinquennium*, T. 1. 2.
[4] *Intra*: cf. Tubingen Theolog. Quartalschrift, 1867, p. 55.

VI.

Si quicumque per maleficium hominem occiderit.

Si quis vero maleficio interficiat alterum, eo quod sine idolatria perficere scelus non *potuit*,[1] nec in finem impertiendam esse *illi*[2] communionem.

[1] *Potuerit*, Hefele, vol. i. p. 158.
[2] *Ei*, U. G.

VII.

De pœnitentibus mœchiæ si rursus mœchaverint.

Si quis forte fidelis post lapsum mœchiæ, post tempora constituta acta pœnitentia, denuo fuerit fornicatus, placuit nec in finem habere eum communionem.

VIII.

De feminis quæ relictis viris suis aliis nubunt.

Item feminæ, quæ nulla præcedente causa reliquerint viros suos et alteris se copulaverint, nec in finem accipiant communionem.

IX.

De feminis quæ adulteros maritos relinquunt et aliis nubunt.

Item femina fidelis, quæ adulterum maritum reliquerit fidelem et alterum ducit, prohibeatur ne

ducat: si duxerit non prius accipiat communionem, nisi quem reliquit de sæculo exierit, nisi forsitan necessitas infirmitatis *dare*[1] compulerit.

[1] *Dari*, N.

X.

De relicta catechumeni si alterum duxerit.

Si ea quam catechumenus relinquit duxerit maritum, potest ad fontem lavacri admitti: hoc et circa feminas catechumenas erit observandum. Quod si fuerit fidelis quæ ducitur ab eo qui uxorem inculpatam relinquit, et quum scierit illum habere uxorem, quam sine causa reliquit, *placuit in finem huiusmodi dari communionem.*[1]

[1] *Placuit huic in finem non dandam esse communionem*, BR. *Placuit huic nec in finem dandam*, T. 1. 2.

XI.

De catechumena si graviter ægrotaverit.

Intra quinquennii autem tempora catechumena si graviter fuerit infirmata, dandum ei baptismum placuit, non denegari.

XII.

De mulieribus quæ lenocinium fecerint.

Mulier vel parens vel quælibet fidelis, si lenocinium exercuerit, eo quod alienum vendiderit corpus

vel potius suum, placuit eam nec in finem accipere communionem.

XIII.

De virginibus Deo sacratis si adulteraverint.

Virgines quæ se Deo dicaverunt, si pactum *perdiderint*[1] virginitatis, atque eidem libidini inservierint non intelligentes quid *admiserint*,[2] placuit nec in finem eis dandam esse communionem. *Quod si semel persuasæ aut infirmi corporis lapsu vitiatæ omni tempore*[3] vitæ suæ huiusmodi feminæ egerint pœnitentiam, ut abstineant se a coitu, eo quod lapsæ potius videantur, placuit eas in finem communionem accipere debere.

[1] *Prodiderint*, N. [2] *Amiserint.*

[3] *Quod si semetipsas pœnituerint, quod infirmitate corporis lapsæ fuerint, et toto tempore*, etc.

XIV.

De virginibus secularibus si mœchaverint.

Virgines quæ virginitatem suam non custodierint, si eosdem qui eas violaverint duxerint et tenuerint maritos, eo quod solas nuptias violaverint, post annum sine pœnitentia reconciliari debebunt; vel si alios cognoverint viros, eo quod mœchatæ sunt, placuit per quinquennii tempora acta legitima pœnitentia admitti eas ad communionem oportere.

XV.

De coniugio eorum qui ex gentilitate veniunt.

Propter copiam puellarum gentilibus minime in matrimonium dandæ sunt virgines christianæ, ne ætas in flore tumens in adulterium animæ resolvatur.

XVI.

De puellis fidelibus ne infidelibus coniungantur.

Hæretici si se transferre noluerint ad ecclesiam catholicam, nec ipsis catholicas dandas esse puellas; sed neque Iudæis neque hæreticis *dare*[1] placuit, eo quod nulla possit esse societas fideli cum infidele: si contra interdictum fecerint parentes, abstineri per quinquennium placet.

[1] *Dari*, N.

XVII.

De his qui filias suas sacerdotibus gentilium coniungunt.

Si qui forte sacerdotibus idolorum filias suas iunxerint, placuit nec in finem eis dandam esse communionem.

XVIII.

De sacerdotibus et ministris si mœchaverint.

Episcopi, presbyteres et diacones si in ministerio positi detecti fuerint quod sint mœchati, placuit propter scandalum et propter profanum crimen nec in finem eos communionem accipere debere.

XIX.

De clericis negotia et nundinas sectantibus.

Episcopi, presbyteres et diacones de locis suis negotiandi causa non discedant; *nec circumeuntes provincias quæstuosas nundinas sectentur:*[1] sane ad victum sibi conquirendum aut filium aut libertum aut mercenarium aut amicum aut *quemlibet*[2] mittant; et si voluerint negotiari, intra provinciam negotientur.

[1] *Ne circumeuntes provincias, quæstuosas nundinas sectantes in periculo incurrant,* U.

[2] *Quemlibet fidelem,* U.

XX.

De clericis et laicis usurariis.

Si quis clericorum detectus fuerit usuras accipere, placuit eum degradari et abstineri. Si quis etiam laicus accepisse probatur usuras, et promiserit correptus iam se cessaturum nec ulterius exacturum, placuit ei veniam tribui: si vero in ea iniquitate duraverit, ab ecclesia esse proiciendum.

XXI.

De his qui tardius ad ecclesiam accedunt.

Si quis in civitate positus tres dominicas ad ecclesiam non accesserit, pauco tempore abstineatur, ut correptus esse videatur.

XXII.

De catholicis in hæresem transeuntibus, si revertantur.

Si quis de catholica ecclesia ad hæresem transitum fecerit rursusque recurrerit, placuit huic pœnitentiam non esse denegandam eo quod cognoverit peccatum suum; qui etiam decem annis agat pœnitentiam, cui post decem annos præstari communio debet; si vero infantes fuerint transducti, quod non suo vitio peccaverint incunctanter recipi *debent.*[1]

[1] *Debebunt,* BR.

XXIII.

De tempore ieiuniorum.

Ieiunii *superpositiones*[1] per singulos menses placuit celebrari, exceptis diebus duorum mensium Iulii et Augusti propter quorumdam infirmitatem.

[1] *Superimpositiones,* Æ. T. 2.

XXIV.

De his qui in peregre baptizantur, ut ad clerum non veniant.

Omnes qui in peregre fuerint baptizati, eo quod eorum minime sit cognita vita, placuit ad clerum non esse promovendos in alienis provinciis.

XXV.

De epistolis communicatoriis confessorum.

Omnis qui attulerit *litteras confessorias*[1] sublato nomine confessoris, eo quod omnes sub hac nominis gloria *passim*[2] concutiant simplices, communicatoriæ ei dandæ sunt litteræ.

[1] V. l. *litteras confessionis.* [2] V. l. *partim.*

XXVI.

Ut omni sabbato ieiunetur.

Errorem placuit corrigi ut omni sabbati die superpositiones celebremus.

XXVII.

De clericis, ut extraneas feminas in domo non habeant.

Episcopus vel quilibet alius clericus aut sororem aut filiam virginem dicatam Deo tantum secum habeat: extraneam nequaquam habere placuit.

XXVIII.

De oblationibus eorum qui non communicant.

Episcopum placuit ab eo, qui non communicat, *munus* [1] accipere non debere.

[1] *Munera*, Æ. BR. T. 1. 2. G.

XXIX.

De energumenis qualiter habeantur in ecclesia.

Energumenus qui ab erratico spiritu exagitatur, huius nomen neque ab altare cum oblatione esse recitandum, nec permittendum ut sua manu in ecclesia ministret.

XXX.

De his qui post lavacrum mœchati sunt ne subdiacones fiant.

Subdiacones eos ordinari non debere qui in adolescentia sua fuerint mœchati, eo quod postmodum per subreptionem ad altiorem gradum promoveantur: vel si qui sunt in præteritum ordinati, amoveantur.

XXXI.

De adolescentibus qui post lavacrum mœchati sunt.

Adolescentes qui post fidem lavacri salutaris fuerint mœchati, quum duxerint uxores, acta legitima pœnitentia placuit ad communionem eos admitti.

XXXII.

De excommunicatis[1] *presbyteris, ut in necessitate communionem dent.*

Apud presbyterum, si quis gravi lapsu in ruinam mortis inciderit, placuit agere pœnitentiam non debere, sed potius apud episcopum: cogente tamen infirmitate necesse est presbyterem communionem præstare debere, et diaconum si ei iusserit sacerdos.[2]

[1] *De presbyteris, ut excommunicatis*, Hefele, vol. i. p. 168. *De presbyteris exc. ut*, sive *de presbyteris ut in*, N.

[2] Aliter:—Si quis gravi lapsu in ruinam mortis inciderit, placuit, agere pœnitentiam non debere sine episcopi consultu, sed potius apud episcopum, agat, cogente tamen infirmitate. Non est presbyterorum aut diaconorum, communionem talibus præstare debere, nisi eis iusserit episcopus.

XXXIII.

De episcopis et ministris, ut ab uxoribus abstineant.

Placuit in totum prohibere episcopis, presbyteris et diaconibus vel omnibus clericis positis in ministerio abstinere se a coniugibus suis, et non generare filios: quicumque vero fecerit, ab honore clericatus exterminetur.

XXXIV.

Ne cerei in cœmeteriis incendantur.

Cereos *per diem*[1] placuit in cœmeterio non incendi, inquietandi enim sanctorum spiritus non sunt. Qui

hæc non observaverint arceantur ab ecclesiæ communione.

[1] *Perinde*, Gonzalez Tellez.

XXXV.

Ne feminæ in cœmeteriis pervigilent.

Placuit prohiberi ne feminæ in cœmeterio pervigilent, eo quod sæpe sub obtentu orationis latenter scelera committunt.

XXXVI.

Ne picturæ in ecclesia fiant.

Placuit picturas in ecclesia esse non debere, *ne* quod colitur et adoratur in parietibus *depingatur*.[2]

[1] *Nec*, Æ. BR. E. 3. T. 1. 2.
[2] *Defingatur*, sive *diffingatur*, N.

XXXVII.

De energumenis non baptizatis.

Eos qui ab immundis spiritibus vexantur, si in fine mortis fuerint constituti, baptizari placet; si fideles fuerint, dandam esse communionem. [Prohibendum etiam ne lucernas hi publice accendant; si facere contra interdictum voluerint, abstineantur a communione.]

XXXVIII.

Ut in necessitate et fideles baptizent.

Loco peregre navigantes, aut si ecclesia proximo

non fuerit, posse fidelem, qui lavacrum suum integrum habet nec sit bigamus, baptizare in necessitate infirmitatis positum catechumenum, ita ut si supervixerit ad episcopum eum perducat, ut per manus impositionem perfici possit.

XXXIX.

De gentilibus si in discrimine baptizari expetunt.

Gentiles si in infirmitate desideraverint sibi manus imponi, si fuerit eorum ex aliqua parte honesta vita, placuit eis manum imponi et fieri Christianos.

XL.

Ne id quod idolothytum est fideles accipiant.

Prohiberi placuit, ut quum rationes suas accipiunt possessores, quidquid ad idolum datum fuerit accepto non ferant: si post interdictum fecerint, per quinquennii spatia temporum a communione esse arcendos.

XLI.

Ut prohibeant domini idola colere servis suis.

Admoneri placuit fideles, ut in quantum possunt prohibeant ne idola in domibus suis habeant: si vero vim metuunt servorum vel se ipsos puros conservent, si non fecerint, alieni ab ecclesia habeantur.

XLII.

De his qui ad fidem veniunt, quando baptizentur.

Eos qui ad primam *fidem credulitatis*[1] accedunt, si bonæ fuerint conversationis, intra biennium temporum placuit ad baptismi gratiam admitti debere, nisi infirmitate compellente coegerit ratio velocius *subvenire*[2] periclitanti vel gratiam postulanti.

[1] *Fidei credulitatem*, N. [2] *Subveniri*, N.

XLIII.

De celebratione Pentecostes.

Pravam institutionem emendari placuit iuxta auctoritatem scripturarum, ut cuncti *diem Pentecostes celebremus, ne si quis non fecerit*[1] novam hæresem induxisse notetur.

[1] *Diem Pentecostes post Pascha celebremus, non quadragesimam nisi quinquagesimam : qui non fecerit*, T. 1.

XLIV.

De meretricibus paganis si convertantur.

Meretrix quæ *aliquando*[1] fuerit et postea habuerit maritum, si postmodum ad credulitatem venerit, incunctanter placuit esse recipiendam.

[1] *Pagana aliquando, U.*

XLV.

De catechumenis qui ecclesiam non frequentant.

Qui aliquando fuerit catechumenus et per infinita tempora numquam ad ecclesiam accesserit, si eum de clero *quisque*[1] cognoverit esse Christianum, aut testes aliqui extiterint fideles, placuit ei baptismum non negari, eo quod *veterem hominem dereliquisse*[2] videatur.

[1] *Quis*, N.

[2] *In vetere homine dereliquisse*, N. *In veterem hominem deliquisse*, Æ. T. 1. 2. U.

XLVI

De fidelibus si apostaverint quamdiu pœniteant.

Si quis fidelis apostata per infinita tempora ad ecclesiam non accesserit, si tamen aliquando fuerit reversus nec fuerit idolator, post decem annos placuit communionem accipere.

XLVII.

De eo qui uxorem habens sæpius mœchatur.

Si quis fidelis habens uxorem non semel sed sæpe fuerit mœchatus, in fine mortis est conveniendus : quod si se promiserit cessaturum, detur ei communio : si resuscitatus rursus fuerit mœchatus, placuit ulterius non *ludere*[1] eum de communione *pacis*.[2]

[1] V. l. *edere*. Cf. Aubespine, p. 78. [2] V. l. *panis*.

XLVIII.

De baptizatis ut nihil accipiat clerus.

Emendari placuit, ut hi qui baptizantur, ut fieri solebat, nummos in concha non mittant, ne sacerdos quod gratis accepit pretio distrahere videatur : neque pedes eorum lavandi sunt a sacerdotibus *vel*[1] clericis.

[1] *Sed*, T. 1.

XLIX.

De frugibus fidelium ne a Iudæis benedicantur.

Admoneri placuit possessores, ut non patiantur fructus suos, quos a Deo percipiunt cum gratiarum actione, a Iudæis benedici, ne nostram irritam et infirmam faciant benedictionem : si quis post interdictum facere usurpaverit, penitus ab ecclesia abiciatur.

L.

De Christianis qui cum Iudæis vescuntur.

Si vero quis clericus vel fidelis cum Iudæis cibum sumpserit, placuit eum a communione abstineri ut debeat emendari.

LI.

De hæreticis, ut ad clerum non promoveantur.

Ex omni hærese fidelis si venerit, minime est ad

clerum promovendus: vel si qui sunt in præteritum ordinati, sine dubio deponantur.

LII.

De his qui in ecclesia libellos famosos ponunt.

Hi qui inventi fuerint libellos famosos in ecclesia ponere anathematizentur.

LIII.

De episcopis qui excommunicato alieno communicant.

Placuit cunctis, ut ab eo episcopo *quis*[1] recipiat communionem, a quo abstentus in crimine aliquo quis fuerit; quod si alius episcopus præsumpserit eum admitti, illo adhuc minime *faciente*[2] vel consentiente a quo fuerit communione privatus, sciat se huiusmodi causas inter fratres esse cum status sui periculo præstaturum.

[1] *Quisque*, N. [2] V. l. *sciente*.

LIV.

De parentibus qui fidem sponsaliorum frangunt.

Si qui parentes fidem fregerint sponsaliorum, triennii tempore abstineantur; si tamen idem sponsus vel sponsa in gravi crimine fuerint deprehensi, erunt excusati parentes: si in eisdem fuerit vitium et polluerint se, superior sententia servetur.

LV.

De sacerdotibus gentium qui iam non sacrificant.

Sacerdotes qui tantum coronas portant nec sacrificant nec de suis sumptibus aliquid ad idola præstant, placuit post biennium accipere communionem.

LVI.

De magistratibus et duumviris.

Magistratus[1] vero uno anno quo agit duumviratum, prohibendum *placet*[2] ut se ab ecclesia cohibeat.

[1] *Magistratum*, Hefele, vol. i. p. 181.
[2] *Placuit*, T. 1. 2.

LVII.

De his qui vestimenta ad ornandam pompam dederunt.

Matronæ vel earum mariti vestimenta sua ad ornandam seculariter pompam non dent; et si fecerint, triennio abstineantur.

LVIII.

De his qui communicatorias litteras portant, ut de fide interrogentur.

Placuit ubique et maxime in eo loco, in quo *prima cathedra constituta est episcopatus*,[1] ut inter-

rogentur hi qui communicatorias litteras tradunt, an omnia recte *habeant*[2] suo testimonio comprobata.

[1] *Primæ cathedræ constitutus est episcopus*, e conj.
[2] *Se habeant*, Hefele, vol. i. p. 181.

LIX.

De fidelibus, ne ad Capitolium causa sacrificandi ascendant.

Prohibendum ne quis christianus, ut gentilis, ad idolum Capitolii causa sacrificandi ascendat *et*[1] videat; *quod si fecerit, pari crimine teneatur: si fuerit fidelis,*[2] post decem annos acta pœnitentia recipiatur.

[1] *Aut*, N.
[2] *Quodsi fecerit, pari crimine teneatur ac si fuerit fidelis et post*, N.

LX.

De his qui destruentes idola occiduntur.

Si quis idola fregerit et ibidem fuerit occisus, *quatenus*[1] in evangelio scriptum non est neque invenietur *sub*[2] apostolis umquam factum, placuit in numerum eum non recipi martyrum.

[1] *Quatenus quia*, G. [2] V. l. *ab*.

LXI.

De his qui duabus sororibus copulantur.

Si quis post obitum uxoris suæ sororem eius

duxerit, et ipsa fuerit fidelis, quinquennium a communione placuit abstineri, nisi forte velocius dari pacem necessitas coegerit infirmitatis.

LXII.

De aurigis et pantomimis si convertantur.

Si *auriga*[1] aut pantomimus credere voluerit, placuit ut prius *artibus*[2] suis renuntient et tunc demum suscipiantur, ita ut ulterius ad ea non revertantur : qui si facere contra interdictum tentaverint, proiciantur ab ecclesia.

[1] V. l. *augur.* [2] V. l. *actibus.*

LXIII.

De uxoribus quæ filios ex adulterio necant.

Si qua per adulterium absente marito suo conceperit, idque post facinus occiderit, placuit nec in finem dandam esse communionem eò quod geminaverit scelus.

LXIV.

De feminis quæ usque ad mortem cum alienis viris adulterant.

Si qua usque in finem mortis suæ cum alieno viro fuerit mœchata, placuit nec in finem dandam ei esse communionem : si vero eum reliquerit, post decem annos accipiat communionem acta legitima pœnitentia.

LXV.

De adulteris uxoribus clericorum.

Si cuius clerici uxor fuerit mœchata et scierit eam maritus suus mœchari et non eam statim proiecerit, nec in finem accipiat communionem, ne ab his qui exemplum bonæ conversationis esse debent, ab eis videantur scelerum magisteria procedere.

LXVI.

De his qui privignas suas ducunt.

Si quis *privignam*[1] suam duxerit uxorem, eo quod sit incestus, placuit nec in finem dandam esse communionem.

[1] *Antenatam privignam*, T. 1.

LXVII.

De coniugio catechumenæ feminæ.

Prohibendum ne qua fidelis vel catechumena aut *comatos aut viros cinerarios*[1] habeant: quæcumque hoc fecerint, a communione arceantur.

[1] *Aut comatos aut viros cinerarios*, M. Æ. BR. T. 1. U. *Cenorarios*, A. E. 3. *Generarios*, T. 2. V. ll. *comicos*, *scenicos*.

LXVIII.

De catechumena adultera quæ filium necat.

Catechumena si per adulterium conceperit et præfocaverit, placuit eam in fine baptizari.

LXIX.

De viris coniugatis postea in adulterium lapsis.

Si quis forte habens uxorem semel fuerit lapsus, placuit eum quinquennium agere debere pœnitentiam et sic reconciliari, nisi necessitas infirmitatis coegerit ante tempus dari communionem: hoc et circa feminas observandum.

LXX.

De feminis quæ consciis maritis adulterant.

Si cum conscientia mariti uxor fuerit mœchata, placuit nec in finem dandam *ei*[1] esse communionem: si vero eam reliquerit, post decem annos accipiat communionem, si eam quam sciret adulteram aliquo tempore in domo sua retinuit.

[1] *Eis*, BR. U. G. *Ei*, M.

LXXI.

De stupratoribus puerorum.

Stupratoribus puerorum nec in finem dandam esse communionem.

LXXII.

De viduis mœchis si eumdem postea maritum duxerint.

Si qua vidua fuerit mœchata et eumdem postea habuerit maritum, post quinquennii tempus acta legitima pœnitentia placuit eam communioni recon-

ciliari: si alium duxerit relicto illo, nec in finem accipiat communionem; vel si fuerit ille fidelis quem accepit, communionem non accipiet, nisi post decem annos acta legitima pœnitentia, vel si infirmitas coegerit velocius dari communionem.

LXXIII.

De delatoribus.

Delator si quis extiterit fidelis, et per delationem eius aliquis fuerit proscriptus vel interfectus, placuit eum nec in finem accipere communionem; si levior causa fuerit, intra quinquennium accipere poterit communionem: si catechumenus fuerit, post quinquennii tempora admittetur ad baptismum.

LXXIV.

De falsis testibus.

Falsus testis prout est crimen abstinebitur: si tamen non fuerit mortale quod obiecit *et probaverit, quod non*[1] tacuerit, biennii tempore abstinebitur; si autem non probaverit *convento clero, placuit*[2] per quinquennium abstineri.

[1] *Et probaverit quod diu tacuerit.* Cf. Gams, vol. ii. p. 133.
[2] *Conventui clericorum placuit,* Nickes, Zeitschrift für Katholische Theologie, Wien, 1856, p. 38.

LXXV.

De his qui sacerdotes vel ministros accusant nec probant.

Si quis autem episcopum vel presbyterum vel

diaconum falsis criminibus appetierit et probare non potuerit, nec in finem dandam ei esse communionem.

LXXVI.

De diaconibus si ante honorem peccasse probantur.

Si quis diaconum se permiserit ordinari et postea fuerit detectus in crimine mortis, quod aliquando commiserit, si sponte fuerit confessus, placuit eum acta legitima pœnitentia post triennium accipere communionem: quod si alius eum detexerit, post quinquennium acta pœnitentia accipere communionem laicam debere.

LXXVII.

De baptizatis qui nondum confirmati moriuntur.

Si quis diaconus regens plebem sine episcopo vel presbytero aliquos baptizaverit, episcopus eos per benedictionem perficere debebit: quod si ante de sæculo recesserint, sub fide qua quis credidit poterit esse iustus.

LXXVIII.

De fidelibus coniugatis si cum Iudæa vel gentili mœchatæ fuerint.

Si quis fidelis habens uxorem cum Iudæa vel gentili fuerit mœchatus, a communione arceatur: quod si alius cum detexerit, post quinquennium acta

legitima pœnitentia poterit dominicæ sociari communioni.

LXXIX.

De his qui tabulam ludunt.

Si quis fidelis aleam, id est tabulam, luserit nummis, placuit eum abstineri; et si emendatus cessaverit, post annum poterit communioni reconciliari.

LXXX.

De libertis.

Prohibendum ut liberti, quorum patroni in sæculo fuerint, ad clerum non promoveantur.

LXXXI.

De feminarum epistolis.

Ne feminæ suo potius absque maritorum nominibus laicis scribere audeant, *quæ*[1] fideles sunt, vel litteras alicuius pacificas ad suum solum nomen scriptas accipiant.

[1] V. l. *qui.*

APPENDIX B.

A CONCISE summary of the Magazine Articles dealing with the work of this Synod will not be out of place:—

I. Tubingen Theologische Quartalschrift.

(*a.*) The Synod of Elvira: Canons and Commentary. [1821.]

An anonymous article, but probably the work of Dr. Herbst, in conjunction with his colleagues, Drs. Drey, Hirscher, and Feilmoser:

(i.) Introductory, pp. 3—5.

(ii.) Canons, after Mendoza's text, pp. 5—24.

(iii.) Commentary, pp. 24—44.

Hefele, in his "Conciliengeschichte," repeatedly refers to the article, some parts of which are valuable, and have been incorporated in the work of more recent writers.

(*b.*) "Rigorismus in the Early Church." [1841, pp. 375—446.] Hefele, in a long and learned dissertation, discusses the various forms assumed by a supposed Asceticism, and vindicates the action of the primitive Church. He examines (1) the effects of a dualistic system of philosophy among heathens, heretics, and Jews: and (2) special cases of apparent severity, as illustrated (α) in the prohibition of the chaplet and crown, (β) of military service; (γ) in dress and ornament; (δ) in the aversion to art, (ϵ) and to theatrical exhibitions, (ζ) to interest on loans; (η) prohibition of second marriage.

(*c.*) A Review of Dr. Gams' "Kirchengeschichte von Spanien" by Dr. Nolte. [1865, pp. 308—314.]

A conscientious and accurate criticism of text and scholarship, but without any pretension to historical importance.

II. "Der Katholik." [1821, vol. ii. pp. 417—441.]

Binterim replies with considerable acerbity to (I. *a*), and says that an "unclean spirit" has taken possession of the four editors. He then impugns (*a*) the authority and (*β*) the genuineness of the Synodical Canons, giving a long list, beginning with Melchior Canus and ending with Berardi, of those who deny both. He then criticizes the Quartalschrift in detail, often with success.

III. "Bonner Zeitschrift für Katholische Theologie."

First published at Köln, then at Koblenz, and edited by Braun, Achterfelt, and others.

(*a*) "The Synod of Arles." An article by Dr. München, traversing much of the legislation of Elvira, and discussing and explaining many of the obscurer Canons of the Spanish Synod. [1838, vol. xxvi. p. 61 f.]

(*b*) "Spanish Church History." [Vol. lxxxii. p. 70 foll.] An anonymous article, dealing mainly with the Synod of Elvira and its Canons.

IV. "Zeitschrift für Katholishe Theologie," Wien. [1856, pp. 33—58.]

Dr. Nickes reviews Hefele's "Conciliengeschichte," and devotes ten pages to Elvira [pp. 33—43], discussing Canons XXXIX. [pp. 33—37] and LXXIV. [pp. 38—43].

V. Herzog, "Real-Encyklopädie," vol. iii. pp. 775, 776.

Contains the charges brought by various schools against the policy and principles of the Synod.

Cf. also Rohrbacher, vol. iii. p. 415 f., and Wetzer and Welter, iii. 543—547.

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